



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**January 29, 2014**

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House File 2073 - Introduced

HOUSE FILE 2073

BY WINDSCHITL, FISHER,  
COSTELLO, HANUSA,  
LANDON, GASSMAN, HUSEMAN,  
BRANDENBURG, KLEIN, ROGERS,  
HESS, JORGENSEN, MAXWELL,  
SODERBERG, SALMON, SHEETS,  
PETTENGILL, HEARTSILL, and  
SCHULTZ

A BILL FOR

1 An Act relating to the use of telecommunications technology in  
2 terminations of pregnancies, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5558YH (3) 85  
pf/nh



Iowa General Assembly  
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H.F. 2073

1 Section 1. NEW SECTION. 146A.1 Prohibition of termination  
2 of pregnancy by telecommunications technology — penalty.  
3 A person shall not cause to be dispensed to a pregnant woman,  
4 via telecommunications technology including but not limited  
5 to a webcam or teleconferencing, any chemical agent or drug  
6 designed to terminate a human pregnancy with the intent that  
7 the pregnant woman will use the chemical agent or drug to  
8 terminate the woman's pregnancy. A person who violates this  
9 section is guilty of a serious misdemeanor.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill relates to the use of telecommunications  
14 technology in the termination of a pregnancy. The bill  
15 prohibits a person from causing to be dispensed to a pregnant  
16 woman, via telecommunications technology including but not  
17 limited to a webcam or teleconferencing, any chemical agent or  
18 drug designed to terminate a human pregnancy with the intent  
19 that the pregnant woman will use the chemical agent or drug to  
20 terminate the woman's pregnancy. A person who violates the  
21 bill is guilty of a serious misdemeanor. A serious misdemeanor  
22 is punishable by confinement for no more than one year and a  
23 fine of at least \$315 but not more than \$1,875.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 29, 2014

House File 2074 - Introduced

HOUSE FILE 2074  
BY ALONS

A BILL FOR

1 An Act relating to registration fees for motor vehicles  
2 transferred to a nonprofit corporation for donation to needy  
3 individuals.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5725HH (3) 85  
dea/tm



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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H.F. 2074

1 Section 1. Section 321.105A, subsection 2, paragraph c,  
2 Code 2014, is amended by adding the following new subparagraph:  
3 NEW SUBPARAGRAPH. (31) A motor vehicle transferred to a  
4 nonprofit entity which is exempt from federal income taxation  
5 pursuant to section 501(c)(3) of the Internal Revenue Code in a  
6 transaction in which no consideration is given, for donation to  
7 a needy individual served by the nonprofit entity.

8 Sec. 2. NEW SECTION. **321.118 Donated vehicles.**

9 The annual registration fee is ten dollars for a motor  
10 vehicle transferred to a nonprofit entity which is exempt  
11 from federal income taxation pursuant to section 501(c)(3)  
12 of the Internal Revenue Code in a transaction in which no  
13 consideration is given, for donation to a needy individual  
14 served by the nonprofit entity.

15 **EXPLANATION**

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill establishes an annual registration fee of \$10 for  
19 a motor vehicle that is transferred to a nonprofit entity in a  
20 transaction involving no consideration for donation to a needy  
21 individual. In addition, the bill provides an exemption from  
22 the fee for new registration for such a vehicle. When the  
23 vehicle is transferred from the nonprofit entity to the donee,  
24 the annual registration fee would be the regular registration  
25 fee for the vehicle.



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House File 2075 - Introduced

HOUSE FILE 2075

BY PRICHARD, RUFF, SHEETS,  
RIDING, H. MILLER,  
STECKMAN, THOMAS,  
BEARINGER, HANSON,  
MUHLBAUER, KRESSIG,  
ISENHART, ANDERSON, STAED,  
STUTSMAN, ABDUL-SAMAD,  
OURTH, HALL, WINCKLER,  
COHOON, GASKILL, LENSING,  
FORBES, T. OLSON, WOLFE,  
HUNTER, GAINES, THEDE,  
KEARNS, MURPHY, MASCHER,  
WOOD, LYKAM, DAWSON,  
JACOBY, KAJTAZOVIC,  
HEDDENS, and KELLEY

A BILL FOR

1 An Act making a supplemental appropriation for the low-income  
2 home energy assistance program and including effective date  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6067YH (5) 85  
jp/tm



Iowa General Assembly  
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H.F. 2075

1 Section 1. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM -  
2 SUPPLEMENTAL APPROPRIATION. There is appropriated from the  
3 general fund of the state to the division of community action  
4 agencies of the department of human rights for the fiscal year  
5 beginning July 1, 2013, and ending June 30, 2014, the following  
6 amount, or so much thereof as is necessary, to be used for the  
7 purpose designated:

8 To supplement the appropriation made for the low-income  
9 home energy assistance program in 2013 Iowa Acts, chapter 136,  
10 section 10:

11 ..... \$ 1,000,000

12 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
13 immediate importance, takes effect upon enactment.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill makes a supplemental appropriation from the  
18 general fund of the state for FY 2013-2014 to the division of  
19 community action agencies of the department of human rights for  
20 the low-income home energy assistance program. The original  
21 appropriation being supplemented is from federal block grant  
22 funds.

23 The bill takes effect upon enactment.



Iowa General Assembly  
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House File 2076 - Introduced

HOUSE FILE 2076  
BY KAUFMANN

A BILL FOR

1 An Act increasing the amount of the tax credit for volunteer  
2 fire fighter and volunteer emergency medical services  
3 personnel and including retroactive applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5552YH (2) 85  
mm/sc





Iowa General Assembly  
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H.F. 2076

1 Section 1. Section 422.12, subsection 2, paragraph c,  
2 subparagraph (1), unnumbered paragraph 1, Code 2014, is amended  
3 to read as follows:

4 A volunteer fire fighter and volunteer emergency medical  
5 services personnel credit equal to ~~fifty~~ five hundred dollars  
6 to compensate the taxpayer for the voluntary services if the  
7 volunteer served for the entire tax year.

8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies  
9 retroactively to January 1, 2014, for tax years beginning on  
10 or after that date.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill increases to \$500 from \$50 the amount of the  
15 volunteer fire fighter and volunteer emergency medical services  
16 personnel tax credit available against the state individual  
17 income tax.

18 The bill applies retroactively to January 1, 2014, for tax  
19 years beginning on or after that date.



Iowa General Assembly  
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House File 2077 - Introduced

HOUSE FILE 2077  
BY ISENHART

A BILL FOR

1 An Act appropriating moneys to the department of agriculture  
2 and land stewardship to develop a nutrient credit earning  
3 and trading initiative.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5469HH (4) 85  
da/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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H.F. 2077

1 Section 1. NUTRIENT CREDIT EARNING AND TRADING  
2 INITIATIVE. There is appropriated from the general fund of the  
3 state to the department of agriculture and land stewardship for  
4 the fiscal year beginning July 1, 2014, and ending June 30,  
5 2015, the following amount, or so much thereof as is necessary,  
6 to be used for the purposes designated:

7 For purposes of establishing a nutrient credit earning and  
8 trading initiative, including salaries, support, maintenance,  
9 and miscellaneous purposes:

10 ..... \$ 175,000

11 1. The department shall develop a nutrient credit earning  
12 and trading initiative, which shall be designed to assist in  
13 the reduction of nutrients in surface waters. The nutrient  
14 credit earning and trading initiative shall utilize a voluntary  
15 cost-effective, market-based exchange that allows a point  
16 source discharger of nutrients to achieve an established  
17 discharge limit by purchasing offset credits from other  
18 dischargers who reduce their discharge by equal or greater  
19 amounts. The initiative shall also include the establishment  
20 of a pilot project to determine strategies for the initiative's  
21 permanent success. The nutrient credit earning and trading  
22 initiative shall be consistent with findings included in the  
23 document entitled "Iowa nutrient reduction strategy" prepared  
24 by the department of agriculture and land stewardship, the  
25 department of natural resources, and Iowa state university of  
26 science and technology and dated May 2013.

27 2. The department shall investigate the feasibility of  
28 establishing an interstate nutrient credit earning and trading  
29 program among states in the Mississippi river basin, and  
30 represented on the Mississippi river/gulf of Mexico nutrient  
31 task force.

32 3. a. The department shall submit a report to the  
33 general assembly that summarizes its efforts to develop a  
34 nutrient credit earning and trading initiative, including  
35 recommendations for establishing a viable exchange for earning

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da/nh

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H.F. 2077

1 and trading nutrient credits and necessary statutory changes.  
2 The recommendations shall include proposed legislation  
3 if necessary. If such legislation is not necessary, the  
4 department shall do all of the following:  
5 (1) Report on its plans to establish or expand pilot  
6 projects not inconsistent with state law.  
7 (2) Establish or expand pilot projects using any available  
8 public or private funding sources.  
9 b. The report is due not later than December 1, 2014.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill appropriates \$175,000 to the department of  
14 agriculture and land stewardship to begin developing a  
15 nutrient credit earning and trading initiative, including by  
16 establishing a pilot project. The department must investigate  
17 the feasibility of establishing an interstate nutrient credit  
18 earning and trading program among states in the Mississippi  
19 river basin. The department is required to submit a report to  
20 the general assembly by December 1, 2014, regarding its efforts  
21 and recommendations to establish a viable exchange for earning  
22 and trading nutrient credits and necessary statutory changes.

23 Generally, nutrient credit trading is a system that  
24 recognizes two sources of surface water pollution — a point  
25 source that can be identified (e.g., a pipe that discharges  
26 waste), and a nonpoint source that cannot be so identified  
27 (e.g., runoff). The system requires the establishment of  
28 certain nutrient (nitrogen and phosphorus) limits or "caps"  
29 for sources and allows the point source to exceed its cap by  
30 purchasing credits from sellers, including other point sources  
31 or nonpoint sources, who reduce their nutrient contribution.



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House File 2078 - Introduced

HOUSE FILE 2078

BY STECKMAN, WOOD, GAINES,  
STAED, WINCKLER, RUFF,  
COHOON, MASCHER, HANSON,  
ABDUL-SAMAD, KEARNS,  
MURPHY, ANDERSON, BERRY,  
H. MILLER, HEDDENS,  
LENSING, GASKILL, WOLFE,  
THOMAS, THEDE, LUNDBY,  
WESSEL-KROESCHELL, HUNTER,  
STUTSMAN, BEARINGER,  
JACOBY, RIDING, FORBES,  
OLDSON, OURTH, and  
KAJTAZOVIC

A BILL FOR

1 An Act establishing the state percent of growth and including  
2 effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5822YH (3) 85  
md/sc



Iowa General Assembly  
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H.F. 2078

1 Section 1. Section 257.8, subsection 1, Code 2014, is  
2 amended to read as follows:

3 1. *State percent of growth.* ~~The state percent of growth~~  
4 ~~for the budget year beginning July 1, 2012, is two percent.~~  
5 The state percent of growth for the budget year beginning July  
6 1, 2013, is two percent. The state percent of growth for the  
7 budget year beginning July 1, 2014, is four percent. The  
8 state percent of growth for the budget year beginning July 1,  
9 2015, is six percent. The state percent of growth for each  
10 subsequent budget year shall be established by statute which  
11 shall be enacted within thirty days of the submission in the  
12 year preceding the base year of the governor's budget under  
13 section 8.21. The establishment of the state percent of growth  
14 for a budget year shall be the only subject matter of the bill  
15 which enacts the state percent of growth for a budget year.

16 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill establishes a state percent of growth of 6 percent  
22 for the school budget year beginning July 1, 2015.

23 The bill takes effect upon enactment.



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House File 2079 - Introduced

HOUSE FILE 2079

BY STECKMAN, MASCHER, COHOON,  
RUFF, WINCKLER, STAED,  
GAINES, WOOD, ABDUL-SAMAD,  
ANDERSON, THOMAS, MURPHY,  
BERRY, H. MILLER, HEDDENS,  
LENSING, GASKILL,  
WOLFE, KEARNS, OURTH,  
BEARINGER, THEDE, LUNDBY,  
WESSEL-KROESCHELL, HUNTER,  
JACOBY, RIDING, FORBES,  
OLDSON, and KAJTAZOVIC

A BILL FOR

1 An Act establishing the categorical state percent of growth and  
2 including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5880YH (3) 85  
md/sc



Iowa General Assembly  
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H.F. 2079

1 Section 1. Section 257.8, subsection 2, Code 2014, is  
2 amended to read as follows:  
3 2. *Categorical state percent of growth.* ~~The categorical~~  
4 ~~state percent of growth for the budget year beginning July 1,~~  
5 ~~2012, is two percent.~~ The categorical state percent of growth  
6 for the budget year beginning July 1, 2013, is two percent.  
7 The categorical state percent of growth for the budget year  
8 beginning July 1, 2014, is four percent. The categorical state  
9 percent of growth for the budget year beginning July 1, 2015,  
10 is six percent. The categorical state percent of growth for  
11 each budget year shall be established by statute which shall  
12 be enacted within thirty days of the submission in the year  
13 preceding the base year of the governor's budget under section  
14 8.21. The establishment of the categorical state percent of  
15 growth for a budget year shall be the only subject matter of  
16 the bill which enacts the categorical state percent of growth  
17 for a budget year. The categorical state percent of growth  
18 may include state percents of growth for the teacher salary  
19 supplement, the professional development supplement, the early  
20 intervention supplement, and the teacher leadership supplement.  
21 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill establishes a categorical state percent of growth  
27 of 6 percent for the school budget year beginning July 1, 2015.  
28 The categorical state percent of growth includes the teacher  
29 salary supplement, the professional development supplement,  
30 the early intervention supplement, and the teacher leadership  
31 supplement.  
32 The bill takes effect upon enactment.





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House File 2080 - Introduced

HOUSE FILE 2080  
BY DAWSON

A BILL FOR

1 An Act to require owners or operators of certain child care  
2 facilities and child care homes to provide evidence of  
3 financial responsibility, providing a penalty, and including  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5834YH (2) 85  
av/sc



Iowa General Assembly  
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H.F. 2080

1 Section 1. NEW SECTION. 237A.9 Evidence of financial  
2 responsibility.

3 1. A person shall not establish or operate a child care  
4 facility or child care home unless the person furnishes  
5 evidence acceptable to the department of the person's ability  
6 to respond in damages for liability on account of accidents or  
7 wrongdoings occurring subsequent to the effective date of the  
8 evidence of financial responsibility in the amount of at least  
9 five hundred thousand dollars because of bodily injury to or  
10 the death of one person in any one accident or incident arising  
11 out of the ownership or operation of a child care facility or  
12 child care home.

13 2. The evidence of financial responsibility shall  
14 consist of a surety bond, a liability insurance policy, or an  
15 irrevocable letter of credit issued by a financial institution.  
16 The evidence of financial responsibility shall be maintained  
17 at not less than the required amount at all times during the  
18 period of ownership or operation of the child care facility or  
19 child care home. The department may accept a certification  
20 of the evidence of financial responsibility. The evidence  
21 of financial responsibility shall pay the amount that the  
22 beneficiary is legally obligated to pay as damages caused by  
23 the operations of the person's child care facility or child  
24 care home. A liability insurance policy shall be subject to  
25 the insurer's policy provisions filed with and approved by the  
26 commissioner of insurance.

27 3. The department shall be notified ten days prior to any  
28 reduction in the surety bond or liability insurance made at the  
29 request of the person or of cancellation of the surety bond by  
30 the surety or of cancellation of the liability insurance by the  
31 insurer. The department shall be notified ninety days prior  
32 to any reduction of the amount of the irrevocable letter of  
33 credit at the request of the person or of the cancellation of  
34 the irrevocable letter of credit by the financial institution.  
35 The total and aggregate liability of the surety, insurer,

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av/sc

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Iowa General Assembly  
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H.F. 2080

1 or financial institution for all claims shall be limited to  
2 the face of the surety bond, liability insurance policy, or  
3 irrevocable letter of credit. However, the surety, insurer,  
4 or issuer remains liable for damages arising from accidents or  
5 other wrongdoings that occurred during the effective period of  
6 the evidence of financial responsibility.

7 4. A license or certificate of registration shall not be  
8 issued to a child care facility under this chapter unless the  
9 applicant furnishes evidence acceptable to the department of  
10 compliance with this section.

11 5. A person shall not establish or operate a child care  
12 home unless the applicant furnishes evidence acceptable to the  
13 department of compliance with this section.

14 6. The department shall adopt rules pursuant to chapter 17A  
15 to administer the provisions of this section.

16 Sec. 2. Section 237A.19, Code 2014, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 4. A person who establishes or operates a  
19 child care facility or child care home in violation of section  
20 237A.9 commits a simple misdemeanor. Each day of continuing  
21 violation after conviction, or notice from the department by  
22 certified mail of the violation, is a separate offense. A  
23 single charge alleging continuing violation may be made in lieu  
24 of filing charges for each day of violation.

25 Sec. 3. APPLICABILITY. This Act applies to initial  
26 applications and applications for renewal of licenses or  
27 certificates of registration of child care facilities filed on  
28 or after January 1, 2015, and to child care homes established  
29 or in operation on or after January 1, 2015.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill requires that a person shall not establish or  
34 operate a child care facility or child care home unless the  
35 person furnishes evidence to the department of human services

LSB 5834YH (2) 85  
av/sc

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Iowa General Assembly  
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H.F. 2080

1 of the person's ability to respond in damages for accidents or  
2 wrongdoings that arise out of the ownership or operation of the  
3 child care facility or child care home.

4 The evidence of financial responsibility must consist of a  
5 surety bond, a liability insurance policy, or an irrevocable  
6 letter of credit issued by a financial institution in the  
7 amount of at least \$500,000 for damages because of bodily  
8 injury to or the death of one person in any one accident or  
9 incident arising out of the ownership or operation of a child  
10 care facility or child care home.

11 The bill requires notice to the department of human services  
12 if a surety bond, liability insurance, or irrevocable letter  
13 of credit is reduced or canceled. The department is required  
14 to adopt rules to administer the provisions of the bill. A  
15 violation of the provisions of the bill is punishable as a  
16 simple misdemeanor and can result in suspension or revocation  
17 of the license or certificate of registration of a child care  
18 facility. A simple misdemeanor is punishable by confinement  
19 for no more than 30 days or a fine of at least \$65 but not more  
20 than \$625 or by both.

21 Under Code chapter 237A, a child care facility includes  
22 a child care center, which is a facility that provides child  
23 care or preschool services for seven or more children and  
24 cannot be established or operated without obtaining a license,  
25 and includes a child development home, which is a person or  
26 program that provides child care for six or more children  
27 and cannot be established or operated without obtaining a  
28 certificate of registration. A child care home is a person or  
29 program providing child care to five or fewer children that is  
30 not required, but has the option, to obtain a certificate of  
31 registration.

32 The bill is applicable to initial applications and  
33 applications for renewal of licenses or certificates of  
34 registration of child care facilities filed on or after January  
35 1, 2015, and to child care homes established or in operation on

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av/sc

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H.F. 2080

1 or after January 1, 2015.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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House File 2081 - Introduced

HOUSE FILE 2081  
BY HEARTSILL

A BILL FOR

1 An Act relating to private sewage disposal system inspections  
2 for certain property transfers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5204YH (3) 85  
tm/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 29, 2014

H.F. 2081

1 Section 1. Section 455B.172, subsection 11, paragraph f,  
2 Code 2014, is amended by striking the paragraph.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with  
5 the explanation's substance by the members of the general assembly.

6 Currently, if a building is served by a private sewage  
7 disposal system, the system must be inspected prior to  
8 any transfer of ownership of the building, except for some  
9 transfers specified in statute. The inspections must be  
10 conducted by an inspector certified by the department of  
11 natural resources or by county personnel who are certified  
12 inspectors.

13 This bill eliminates the authorization for county personnel  
14 to be certified inspectors of private sewage disposal systems.



Iowa General Assembly  
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January 29, 2014

House File 2082 - Introduced

HOUSE FILE 2082  
BY HESS

A BILL FOR

1 An Act providing an individual income tax credit for qualified  
2 adoption expenses paid or incurred in connection with  
3 certain adoptions and including retroactive applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5163YH (6) 85  
mm/sc





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 29, 2014

H.F. 2082

1     Section 1. NEW SECTION.   **422.12A Adoption tax credit.**  
2     1. For purposes of this section, unless the context  
3 otherwise requires:  
4     *a. "Adoption"* means the permanent placement in this  
5 state of an eligible individual by a licensed agency under  
6 chapter 238, by an agency that meets the provisions of the  
7 interstate compact in section 232.158, or by a person making an  
8 independent placement according to the provisions of chapter  
9 600.  
10    *b. "Child with special needs"* means the same as defined in  
11 section 23 of the Internal Revenue Code.  
12    *c. "Eligible individual"* means an individual who is under  
13 the age of eighteen years, or an individual who is unable, by  
14 reason of physical or mental disability, to live independently.  
15    *d. "Qualified adoption expenses"* means unreimbursed  
16 expenses paid or incurred in connection with the adoption  
17 of an eligible individual, including medical and hospital  
18 expenses of the biological mother which are incident to the  
19 eligible individual's birth, welfare agency fees, legal fees,  
20 and all other fees and costs which relate to the adoption of  
21 an eligible individual. *"Qualified adoption expenses"* does not  
22 include expenses paid or incurred in violation of state or  
23 federal law.  
24    2. The taxes imposed under this division, less the credits  
25 allowed under section 422.12, shall be reduced by an adoption  
26 tax credit equal to the amount of qualified adoption expenses  
27 paid or incurred by the taxpayer during the tax year in  
28 connection with the adoption of an eligible individual by the  
29 taxpayer, not to exceed two thousand five hundred dollars per  
30 adoption, or five thousand dollars if the adopted eligible  
31 individual is a child with special needs.  
32    3. Any credit in excess of the tax liability is refundable.  
33 In lieu of claiming a refund, the taxpayer may elect to have  
34 the overpayment shown on the taxpayer's final, completed return  
35 credited to the tax liability for the following tax year.



Iowa General Assembly  
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H.F. 2082

1     Sec. 2. Section 422.9, subsection 2, paragraph c, Code 2014,  
2 is amended to read as follows:

3     c. Add the amount by which expenses paid or incurred  
4 in connection with the adoption of a child by the taxpayer  
5 exceed three percent of the net income of the taxpayer, or of  
6 the taxpayer and spouse in the case of a joint return. The  
7 expenses may include medical and hospital expenses of the  
8 biological mother which are incident to the child's birth and  
9 are paid by the taxpayer, welfare agency fees, legal fees, and  
10 all other fees and costs relating to the adoption of a child if  
11 the child is placed by a child-placing agency licensed under  
12 chapter 238 or by a person making an independent placement  
13 according to the provisions of chapter 600. If the taxpayer  
14 claims an adoption tax credit under section 422.12A, the  
15 taxpayer shall recompute for purposes of this subsection the  
16 amount of the deduction by excluding the amount of qualified  
17 adoption expenses, as defined in section 422.12A, used in  
18 computing the adoption tax credit.

19     Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
20 retroactively to January 1, 2014, for tax years beginning on  
21 or after that date.

22                                   EXPLANATION

23                   The inclusion of this explanation does not constitute agreement with  
24                   the explanation's substance by the members of the general assembly.

25     This bill provides an individual income tax credit equal to  
26 the amount of qualified adoption expenses paid or incurred by a  
27 taxpayer during the tax year in connection with the adoption of  
28 an eligible individual. The tax credit cannot exceed \$2,500  
29 per adoption, or \$5,000 if the adopted eligible individual is a  
30 child with special needs.

31     The adoption of a person qualifies for the tax credit if  
32 the adoption is completed by a child-placing agency licensed  
33 under Code chapter 238, an agency complying with the interstate  
34 compact on placement of children in Code section 232.158, or a  
35 person petitioning for an independent placement according to

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mm/sc

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1 the provisions of Code chapter 600, and if the person to be  
2 adopted is to be permanently placed in this state and is either  
3 less than 18 years old or unable to live independently because  
4 of physical or mental disability.

5 "Child with special needs" means the same as defined in  
6 section 23 of the Internal Revenue Code, which generally  
7 defines such child to be one who is a United States citizen or  
8 resident, for whom the state has determined cannot be returned  
9 to the home of the child's parents, and for whom the state  
10 has determined there exists specific conditions that make it  
11 reasonable to assume the child cannot be placed with adoptive  
12 parents without providing adoption assistance.

13 In order to be "qualified adoption expenses" the expenses  
14 must be paid or incurred by the taxpayer during the tax year,  
15 unreimbursed, and connected with the adoption. "Qualified  
16 adoption expenses" include medical and hospital expenses of  
17 the biological mother which are incident to the birth of  
18 the adopted individual, welfare agency and legal fees, and  
19 all other fees and costs relating to the adoption of the  
20 individual. "Qualified adoption expenses" does not include  
21 expenses paid or incurred in violation of state or federal law.

22 Under Iowa law, a taxpayer may claim an itemized deduction  
23 for the amount of adoption expenses that exceed 3 percent  
24 of the net income of the taxpayer. The bill provides that  
25 taxpayers who claim the itemized deduction are required  
26 to reduce that deduction by the amount of expenses used to  
27 calculate the adoption tax credit.

28 Any credit in excess of the taxpayer's liability is  
29 refundable or may be carried forward one tax year at the  
30 election of the taxpayer.

31 The bill applies retroactively to tax years beginning on or  
32 after January 1, 2014.



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House File 2083 - Introduced

HOUSE FILE 2083  
BY HUSEMAN

A BILL FOR

1 An Act concerning requirements for state purchasing from prison  
2 industries.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5631YH (1) 85  
ec/nh



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1 Section 1. Section 8A.302, subsection 1, Code 2014, is  
2 amended to read as follows:  
3 1. Providing a system of uniform standards and  
4 specifications for purchasing. When the system is developed,  
5 all items of general use shall be purchased by state agencies  
6 through the department, except ~~items provided for under~~  
7 ~~section 904.808~~ or items used by the state board of regents  
8 and institutions under the control of the state board of  
9 regents. However, the department may authorize the department  
10 of transportation, the department for the blind, and any other  
11 agencies otherwise exempted by law from centralized purchasing,  
12 to directly purchase items used by those agencies without going  
13 through the department, if the department of administrative  
14 services determines such purchasing is in the best interests  
15 of the state. However, items of general use may be purchased  
16 through the department by any governmental entity.  
17 Sec. 2. Section 904.807, Code 2014, is amended to read as  
18 follows:

19 **904.807 Price lists ~~to public officials~~ — Iowa state**  
20 **industries.**

21 The state director shall cause to be prepared from time  
22 to time classified and itemized price lists of the products  
23 manufactured by Iowa state industries. Such lists shall be  
24 made available to the public and furnished to all boards of  
25 supervisors, boards of directors of school corporations,  
26 city councils, and all other state, county, city and school  
27 departments and officials empowered to purchase supplies and  
28 equipment for public purposes.

29 Sec. 3. Section 904.808, subsection 1, Code 2014, is amended  
30 by striking the subsection.

31 Sec. 4. REPEAL. Section 8A.313, Code 2014, is repealed.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill concerns the purchase of products manufactured by

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ec/nh

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1 Iowa state (prison) industries by state agencies.

2 Code section 8A.302, concerning state government purchasing,  
3 is amended to eliminate the exception from the requirements for  
4 state agency purchasing of items of general use through the  
5 department of administrative services for items produced by  
6 prison industries.

7 Code section 904.807, concerning the preparation of price  
8 lists for items produced by prison industries, is amended to  
9 provide that the price lists shall be made available to the  
10 public.

11 Code section 904.808, subsection 1, establishing state  
12 purchasing requirements relative to items produced by prison  
13 industries, is stricken. Code section 8A.313, providing  
14 an appeal process relative to disputes arising out of the  
15 purchasing provisions of Code section 904.808, is also  
16 repealed. Code section 904.808 provides that state agencies  
17 are required to purchase items produced by prison industries  
18 unless a purchase from another source is made under emergency  
19 circumstances or if prison industries is unable to meet the  
20 performance characteristics of the purchase request for the  
21 product by the state agency.



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**House File 2084 - Introduced**

HOUSE FILE 2084  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO HF 596)  
(SUCCESSOR TO HSB 102)

**A BILL FOR**

1 An Act relating to county commissions of veteran affairs.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1669HZ (2) 85  
aw/sc



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1 Section 1. Section 35B.4, Code 2014, is amended to read as  
2 follows:

3 **35B.4 Appointment — vacancies.**

4 1. Members of the commission of veteran affairs shall  
5 be appointed by the board of supervisors, as recommended by  
6 the current commission members and the executive director  
7 or administrator, to staggered three-year terms at the  
8 regular meeting in June. However, a member shall serve until  
9 a successor has been appointed and qualifies. The board  
10 may remove an appointee at any time for neglect of duty or  
11 maladministration. A vacancy on the commission shall be filled  
12 for the unexpired portion of the regular term in the same  
13 manner as regular appointments are made.

14 2. If the board of supervisors increases the commission  
15 of veteran affairs membership to five members, the initial  
16 terms of the two new members shall be two and three years  
17 respectively. However, the new members shall serve until their  
18 successors are appointed and qualify.

19 Sec. 2. Section 35B.6, subsection 1, paragraphs a and c,  
20 Code 2014, are amended to read as follows:

21 a. The members of the commission shall qualify by  
22 taking the usual oath of office, ~~and give bond in the sum~~  
23 ~~of five hundred dollars each, conditioned for the faithful~~  
24 ~~discharge of their duties with sureties to be approved by~~  
25 ~~the county auditor.~~ The commission shall organize by the  
26 selection of one of their members as chairperson and one as  
27 secretary. The commission, subject to the approval of the  
28 board of supervisors, shall employ an executive director or  
29 administrator and who shall have the power to employ other  
30 necessary employees when needed to carry out the provisions of  
31 this chapter, including administrative or clerical assistants,  
32 but no member of the commission shall be so employed. ~~The~~  
33 ~~compensation of such employees shall be fixed by the board of~~  
34 ~~supervisors.~~ The state department of veterans affairs shall  
35 recognize the executive director or administrator as a county

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1 veterans service officer of a veterans' service organization  
2 recognized pursuant to 38 C.F.R. § 14.628(c) for the purposes  
3 of assisting veterans and their dependents in obtaining federal  
4 and state benefits. The commission shall recommend the annual  
5 compensation of the executive director or administrator to the  
6 board of supervisors. The board of supervisors shall consider  
7 the recommendation and shall determine and approve the annual  
8 compensation of the executive director or administrator. The  
9 executive director must possess the same qualifications as  
10 provided in section 35B.3 for commission members. However,  
11 this qualification requirement shall not apply to a person  
12 employed as an executive director prior to July 1, 1989.

13 c. Upon the employment of an executive director or  
14 administrator, the executive director or administrator shall  
15 complete a course of certification training provided by the  
16 department of veterans affairs pursuant to section 35A.5.  
17 If an executive director or administrator fails to obtain  
18 certification within one year of being employed, the executive  
19 director or administrator shall be removed from office. A  
20 ~~commissioner or other commission employee may also complete~~  
21 ~~the course of certification training.~~ The department shall  
22 issue the executive director, or administrator, ~~commissioner,~~  
23 ~~or employee~~ a certificate of training after completion of the  
24 certification training course. To maintain certification, the  
25 executive director, or administrator, ~~commissioner, or employee~~  
26 shall satisfy the continuing education requirements established  
27 by the national association of county ~~veteran~~ veterans service  
28 officers. Failure of an executive director or administrator  
29 to maintain certification shall be cause for removal from  
30 office. The expenses of training the executive director or  
31 administrator shall be paid from the appropriation authorized  
32 in section 35B.14.

33 Sec. 3. Section 35B.6, subsection 1, paragraph d, Code 2014,  
34 is amended by adding the following new subparagraph:

35 NEW SUBPARAGRAPH. (3) Complete and submit all forms

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1 required for federal, state, and county benefits.

2 Sec. 4. Section 35B.6, subsection 2, Code 2014, is amended  
3 to read as follows:

4 2. a. Two or more boards of supervisors may agree,  
5 pursuant to chapter 28E, to share the services of an executive  
6 director or administrator. The agreement shall provide for the  
7 establishment of a commission of veteran affairs office in each  
8 of the counties participating in the agreement.

9 b. Neither a county board of supervisors nor a county  
10 commission of veterans affairs shall place the administration  
11 of the duties of the county commission of veteran affairs  
12 under any other agency of any county, or publish the names of  
13 the veterans or their families who receive benefits under the  
14 provisions of this chapter.

15 Sec. 5. Section 35B.6, subsection 3, Code 2014, is amended  
16 by striking the subsection.

17 Sec. 6. Section 35B.6, subsection 4, paragraph a, Code 2014,  
18 is amended to read as follows:

19 a. Each county commission of veteran affairs shall maintain  
20 an office in a public building owned, operated, or leased by  
21 the county.

22 Sec. 7. Section 35B.7, Code 2014, is amended to read as  
23 follows:

24 **35B.7 Meetings — report — budget.**

25 The commission shall meet monthly and at other times as  
26 necessary. At the monthly meeting it shall determine who are  
27 entitled to county benefits and the probable amount required to  
28 be expended. The commission shall meet annually to prepare an  
29 estimated budget for all expenditures to be made in the next  
30 fiscal year and certify the budget to the board of supervisors.  
31 The board may approve or reduce the budget for valid reasons  
32 shown and entered of record and the board's decision is final.

33 Sec. 8. Section 35B.10, Code 2014, is amended to read as  
34 follows:

35 **35B.10 Disbursements — inspection of records.**

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1     1. All claims certified by the commission shall be  
2 ~~reviewed~~ approved by the board of supervisors and the county  
3 auditor shall issue warrants in payment of the claims. All  
4 applications, investigation reports, and case records are  
5 privileged communications and ~~shall be held~~ confidential,  
6 subject to use and inspection only by persons authorized by law  
7 in connection with their official duties relating to financial  
8 audits and the administration of this chapter or as authorized  
9 by order of a district court. A person may sign a release  
10 to authorize the examination of that person's applications,  
11 reports, or records.

12     2. ~~However, the~~ The county commission of veteran affairs  
13 shall prepare and file in the office of the county auditor on  
14 or before the thirtieth day of each January, April, July, and  
15 October a report showing the case numbers of all recipients  
16 receiving assistance under this chapter, together with the  
17 amount paid to each during the preceding quarter. Each report  
18 so filed shall be ~~securely fixed in~~ maintained as a permanent  
19 ~~record book~~ to be used only for such reports made under this  
20 chapter.

21     ~~The record book shall be and the same is hereby declared~~  
22 ~~to be a public record, open to public inspection at all times~~  
23 ~~during the regular office hours of the county auditor. Each~~  
24 ~~person who desires to examine said records, other than in~~  
25 ~~pursuance of official duties as hereinbefore provided, shall~~  
26 ~~sign a written request to examine the same, which shall contain~~  
27 ~~an agreement on the part of the signer that the signer will~~  
28 ~~not utilize any information gained therefrom for commercial or~~  
29 ~~political purposes.~~

30     3. It shall be unlawful for any person, body, association,  
31 firm, corporation or any other agency to solicit, disclose,  
32 receive, make use of or to authorize, knowingly permit,  
33 participate in or acquiesce in the use of any lists, names or  
34 other information obtained from the reports above provided for,  
35 for commercial or political purposes, and a violation of this

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1 provision shall constitute a serious misdemeanor.

2 Sec. 9. Section 35B.14, Code 2014, is amended by adding the  
3 following new subsections:

4 NEW SUBSECTION. 3. The commission is responsible for  
5 the interment in a suitable cemetery of the body of any  
6 veteran, as defined in section 35.1, or the spouse, surviving  
7 spouse, or child of the person, if the person has died without  
8 leaving sufficient means to defray the funeral expenses. The  
9 commission may pay the expenses in a sum not exceeding an  
10 amount established by the board of supervisors.

11 NEW SUBSECTION. 4. Burial expenses shall be paid by the  
12 county in which the person died. If the person is a resident  
13 of a different county at the time of death, the county of  
14 residence shall reimburse the county where the person died for  
15 the cost of burial. In either case, the board of supervisors  
16 of the respective counties shall audit and pay the account from  
17 the funds provided for in this chapter in the manner as other  
18 claims are audited and paid.

19 Sec. 10. Section 35B.16, Code 2014, is amended to read as  
20 follows:

21 **35B.16 Markers for graves.**

22 The county commission of veteran affairs may furnish a  
23 suitable and appropriate ~~metal~~ marker for the grave of each  
24 veteran, as defined in section 35.1, who is buried within  
25 the limits of the county. The marker shall be placed at the  
26 individual's grave to permanently mark and designate the grave  
27 for memorial purposes. The expenses shall be paid from any  
28 funds raised as provided in this chapter.

29 Sec. 11. Section 35B.17, Code 2014, is amended to read as  
30 follows:

31 **35B.17 Maintenance of graves.**

32 1. The county boards of supervisors shall each year  
33 appropriate and pay to the owners of, or to the public board or  
34 officers having control of cemeteries within the state in which  
35 any such deceased service person is buried, a sum sufficient

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1 to pay for the care and maintenance of the lots on which they  
2 are buried in all cases in which provision for such care is  
3 not otherwise made, or may conclude their responsibility by  
4 paying a mutually agreed to fee for perpetual care when the  
5 cemetery authority has established a perpetual care fund for  
6 the cemetery, to be paid either as a lump sum, or in not to  
7 exceed five installments in a manner agreed to by the parties.

8 2. Payment under subsection 1 shall be made at the rate  
9 charged for like care and maintenance of other lots of  
10 similar size in the same cemetery, upon the affidavit of the  
11 superintendent or other person in charge of such cemetery, that  
12 the same has not been otherwise paid or provided for.

13 Sec. 12. Section 35B.19, Code 2014, is amended to read as  
14 follows:

15 **35B.19 Burial records.**

16 The ~~county commission of veteran affairs~~ executive director  
17 or administrator shall be charged with securing the information  
18 requested by the department of veterans affairs of every  
19 person having a military service record and buried in ~~that the~~  
20 county. Such information shall be secured from the ~~undertaker~~  
21 funeral director in charge of the burial or cremation and  
22 shall be transmitted by the ~~undertaker~~ funeral director to  
23 the ~~commission of county~~ county veteran affairs office of the county  
24 where burial or disposition of cremated remains is made. This  
25 information shall be recorded alphabetically and by description  
26 of location in the cemetery where the veteran is buried  
27 or the place of disposition of the cremated remains of the  
28 veteran. This recording shall conform to the directives of the  
29 department of veterans affairs and shall be ~~kept in~~ maintained  
30 as a book permanent record by the ~~county commission~~ executive  
31 director or administrator.

32 Sec. 13. Section 64.11, Code 2014, is amended to read as  
33 follows:

34 **64.11 Expense of bonds paid by county.**

35 If a county treasurer, county attorney, recorder, auditor,

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1 sheriff, medical examiner, ~~member of the veterans affairs~~  
2 ~~commission~~, member of the board of supervisors, engineer,  
3 steward, or matron elects to furnish a bond with an association  
4 or incorporation as surety as provided in this chapter, the  
5 reasonable cost of the bond shall be paid by the county where  
6 the bond is filed.

7 Sec. 14. Section 331.381, subsection 6, Code 2014, is  
8 amended to read as follows:

9 6. Audit and pay the burial expense for indigent veterans,  
10 as provided in section ~~35B.15~~ 35B.14, subsection 4.

11 Sec. 15. Section 331.502, subsection 13, Code 2014, is  
12 amended by striking the subsection.

13 Sec. 16. Section 331.502, subsection 14, Code 2014, is  
14 amended to read as follows:

15 14. Issue warrants and maintain a ~~book containing a~~  
16 permanent record of persons receiving veteran assistance as  
17 provided in section 35B.10.

18 Sec. 17. REPEAL. Sections 35B.8, 35B.9, 35B.12, 35B.13,  
19 35B.15, and 35B.18, Code 2014, are repealed.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to the duties and responsibilities of the  
24 county commissions of veteran affairs.

25 The bill requires that the members of a county commission of  
26 veteran affairs be appointed by the board of supervisors upon  
27 the recommendation of the current members of the commission  
28 and the executive director or administrator. The bill removes  
29 a requirement that members of the commission give a bond of  
30 \$500 and makes conforming changes to Code sections 64.11 and  
31 331.502.

32 The bill requires that the state department of veterans  
33 affairs shall recognize the executive director or administrator  
34 as a county veterans service officer of a veterans' service  
35 organization recognized by the federal secretary of veterans

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1 affairs for purposes of assisting veterans and their dependents  
2 in obtaining federal and state benefits.

3 The bill requires that the annual compensation of an  
4 executive director or administrator be recommended by the  
5 county commission to the county board of supervisors which  
6 shall determine and approve the compensation. Current  
7 law requires that the county board of supervisors fix the  
8 compensation for the executive director or administrator and  
9 other necessary employees. The bill also provides that the  
10 executive director or administrator shall have the power to  
11 employ necessary staff.

12 The bill strikes language allowing a county commissioner  
13 and certain commission employees to complete a course of  
14 certification training provided by the department of veterans  
15 affairs.

16 The bill requires that the duties of the executive director,  
17 administrator, and employees shall include the submission of  
18 all forms required for federal, state, and county benefits.  
19 The bill states that the county commission of veterans affairs  
20 shall not be placed under any other agency of the county. The  
21 bill also removes language requiring a commission to appoint  
22 a deputy county auditor as an administrative assistant to  
23 the commission. The bill requires that a commission office  
24 be located in a public building. The bill also specifies  
25 that the commission shall only need to determine eligibility  
26 of individuals for county benefits at monthly meetings of  
27 the commission and repeals requirements that the commission  
28 submit certain information relating to benefits to the board  
29 of supervisors.

30 The bill removes certain recording, accounting system, and  
31 filing requirements and makes certain conforming amendments  
32 to Code section 331.502. The bill provides that certain  
33 applications, reports, and records shall be subject to use or  
34 inspection as authorized by order of a district court. The  
35 bill permits the examination of an individual's applications,



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1 reports, and records only upon the individual's authorization.  
2 The bill provides that certain filings be made to a permanent  
3 record and removes the requirement that such records be  
4 maintained in a book. The bill repeals Code section 35.8,  
5 which required the state auditor to prepare sample accounting  
6 systems and case records for use by county commissions of  
7 veteran affairs.

8 The bill also makes certain changes to provisions related  
9 to the provision of grave markers for veterans and the filing  
10 and maintenance of certain burial records and amends language  
11 referring to undertakers so that such language instead refers  
12 to funeral directors.

13 The bill repeals Code section 35B.12, relating to  
14 confidentiality of benefit information, but the substance  
15 of the Code section is transferred to Code section 35B.6,  
16 subsection 2.

17 The bill repeals Code section 35B.13, relating to burial  
18 expenses, but the substance of the Code section is transferred  
19 to Code section 35B.14, subsection 3.

20 The bill repeals Code section 35B.15, relating to audit  
21 and payment of burial expenses, but the substance of the Code  
22 section is transferred to Code section 35B.14, subsection 4.

23 The bill repeals Code section 35B.18, relating to care  
24 and maintenance of gravesites, but the substance of the Code  
25 section is transferred to Code section 35B.17, subsection 2.





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House Study Bill 581 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to wills including witness testimony,  
2 distribution of property, and claims of personal  
3 representatives, and including retroactive and other  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5091YC (6) 85  
rh/rj



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H.F. \_\_\_\_\_

1 Section 1. Section 633.295, Code 2014, is amended to read  
2 as follows:

3 **633.295 Testimony of witnesses.**

4 The proof may be made by the oral or written testimony of  
5 one or more of the subscribing witnesses to the will. If such  
6 testimony is in writing, it shall be substantially in the  
7 following form executed and sworn to before or after the death  
8 of the decedent:

9 In the District Court of Iowa

10 In and for ..... County

11 In the Matter of the Estate of .....

12 ....., Deceased

13 Probate No. ....

14 Testimony of Subscribing

15 Witness on Probate of Will.

16 State of ..... )

17 ..... County ) ss

18 I, ....., being first duly sworn, state:

19 I reside in the County of ....., State of .....; I knew  
20 the identity of the testator on the .... day of ..... (month),  
21 ... (year), the date of the instrument, the original or exact  
22 reproduction of which is attached hereto, now shown to me,  
23 and purporting to be the last will and testament of the said  
24 ~~....., deceased~~; I am one of the subscribing witnesses  
25 to said instrument; at the said date of said instrument, I  
26 knew the identity of ....., the other subscribing witness;  
27 that said instrument was exhibited to me and to the other  
28 subscribing witness by the testator, who declared the same to  
29 be the testator's last will and testament, and was signed by  
30 the testator at ....., in the County of ....., State of  
31 ....., on the date shown in said instrument, in the presence  
32 of myself and the other subscribing witness; and the other  
33 subscribing witness and I then and there, at the request of the  
34 testator, in the presence of said testator and in the presence  
35 of each other, subscribed our names thereto as witnesses.

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H.F. \_\_\_\_\_

1 .....

2 Name of witness

3 .....

4 Address

5 Subscribed and sworn to before me this ... day of .....

6 (month), ... (year)

7

.....

8

Notary Public in and for

9 (Stamp)

the State of .....

10 Sec. 2. Section 633.356, Code 2014, is amended to read as  
11 follows:

12 **633.356 Distribution of property by affidavit.**

13 1. When the gross value of the decedent's personal property  
14 that would otherwise be distributed by will or intestate  
15 succession ~~does not exceed~~ is or has been, at any time since  
16 the decedent's death, twenty-five thousand dollars or less  
17 and there is no real property or the real property passes to  
18 persons exempt from inheritance tax ~~pursuant to section 450.9~~  
19 as joint tenants with ~~right~~ full rights of survivorship, and if  
20 forty days have elapsed since the death of the decedent, ~~the a~~  
21 ~~successor of the decedent~~ as defined in subsection 2 may, by  
22 ~~filing~~ furnishing an affidavit prepared pursuant to subsection  
23 3 or 8, and without procuring letters of appointment, do any of  
24 the following with respect to one or more ~~particular~~ items of  
25 such personal property:

26 a. Receive any ~~particular~~ item of tangible personal property  
27 of the decedent.

28 b. Have any evidence of a debt, obligation, interest,  
29 right, security, or chose in action belonging to the decedent  
30 transferred.

31 c. Collect the proceeds from any life insurance policy or  
32 any other item of property for which a beneficiary has not been  
33 designated.

34 2. ~~"Successor of the decedent"~~ means:

35 a. If the decedent died testate, the reasonably

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1 ascertainable beneficiary or beneficiaries who succeeded to  
2 the ~~particular~~ item of property ~~of the decedent~~ under the  
3 decedent's will. For the purposes of this subsection the  
4 trustee of a trust created during the decedent's lifetime is a  
5 beneficiary under the decedent's will if the trust succeeds to  
6 the ~~particular item of~~ property under the decedent's will.

7     **b.** If the decedent died intestate, the reasonably  
8 ascertainable person or persons who succeeded to the ~~particular~~  
9 ~~item of~~ property ~~of the decedent~~ under the laws of intestate  
10 succession of this state.

11     **c.** If the decedent received medical assistance benefits from  
12 the state, the Iowa Medicaid agency that provided the benefits  
13 is a successor pursuant to subsection 8.

14     3. **a.** To collect money, receive tangible personal  
15 property, or have evidences of intangible personal property  
16 transferred under this ~~chapter~~ section, the a successor ~~of~~  
17 ~~the decedent~~ shall furnish to the holder of the decedent's  
18 property an affidavit under penalty of perjury stating all of  
19 the following:

20         (1) The decedent's name, social security number, and ~~the~~  
21 date and place of ~~the decedent's~~ death.

22         (2) That at least forty days have elapsed since the death  
23 of the decedent, as shown by an attached certified copy of the  
24 death certificate of the decedent.

25         (3) That the gross value of the decedent's personal property  
26 that would otherwise be distributed by will or intestate  
27 succession ~~does not exceed~~ is, or has been at any time since  
28 the decedent's death, twenty-five thousand dollars or less  
29 and there is no real property or the real property passes to  
30 persons exempt from inheritance tax ~~pursuant to section 450.9~~  
31 as joint tenants with ~~right~~ full rights of survivorship.

32         (4) A general description of the property of the decedent  
33 that is to be paid, transferred, or delivered to or for the  
34 benefit of each successor.

35         (5) The name, address, and ~~social security tax~~

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1 identification number of the successor of the decedent to the  
2 described property and relationship to the decedent of each  
3 successor, and whether the any successor is under a legal  
4 disability.

5 (6) If applicable pursuant to subsection 2, paragraph `a`,  
6 that the attached copy of the decedent's will is the last will  
7 of the decedent and has been ~~admitted to probate or otherwise~~  
8 ~~filed in~~ delivered to the office of a clerk of the district  
9 court in accordance with Iowa law.

10 (7) That no persons other than ~~those~~ the successors listed  
11 in the affidavit have a right to the interest of the decedent  
12 in the described property.

13 (8) That the affiant requests that the described property  
14 be paid, delivered, or transferred to ~~the successors of the~~  
15 ~~decedent to the described property~~ or for the benefit of each  
16 successor.

17 (9) That the affiant affirms under penalty of perjury that  
18 the affidavit is true and correct.

19 ~~b. More than one person~~ If there are two or more successors,  
20 any of the successors may execute an affidavit under this  
21 subsection.

22 4. a. If the decedent had evidence of ownership of the  
23 property described in the affidavit and the holder of the  
24 property would have the right to require presentation of the  
25 evidence of ownership before the duty of the holder to pay,  
26 deliver, or transfer the property to the decedent would have  
27 arisen, the evidence of the ownership, if available, shall be  
28 presented with the affidavit to the holder of the decedent's  
29 property.

30 b. If the evidence of ownership is not presented to the  
31 holder of the property, the holder may require, as a condition  
32 for the payment, delivery, or transfer of the property, that  
33 the ~~successor~~ affiant provide the holder with a bond in a  
34 reasonable amount determined by the holder to be sufficient to  
35 indemnify the holder against all liability, claims, demands,

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1 loss, damages, costs, and expenses that the holder may incur  
2 or suffer by reason of the payment, delivery, or transfer of  
3 the property. This subsection does not preclude the holder  
4 and the ~~successor~~ affiant from dispensing with the requirement  
5 that a bond be provided, and instead entering into an agreement  
6 satisfactory to the holder concerning the duty of the ~~successor~~  
7 affiant to indemnify the holder.

8     c. Judgments rendered by any court in this state and  
9 mortgages belonging to a decedent whose personal property is  
10 being distributed pursuant to this section may, without prior  
11 order of court, be released, discharged, or assigned, in whole  
12 or in part, as to any ~~particular~~ property, and deeds may be  
13 executed in performance of real estate contracts entered into  
14 by the decedent, where an affidavit made pursuant to subsection  
15 3 or 8 is filed in the office of the county recorder of the  
16 county wherein any judgment, mortgage, or real estate contract  
17 appears of record.

18     5. Reasonable proof of the identity of each successor ~~of the~~  
19 ~~decedent~~ seeking distribution by virtue of the affidavit shall  
20 be provided to the satisfaction of the holder of the decedent's  
21 property.

22     6. a. If the requirements of this section are satisfied:

23         (1) The property described in the affidavit shall be paid,  
24 delivered, or transferred to ~~the~~ or for the benefit of each  
25 ~~successor of the decedent's interest in the property.~~

26         (2) A transfer agent of a security described in the  
27 affidavit shall change registered ownership on the books of  
28 the corporation from the decedent to ~~the person listed on the~~  
29 ~~affidavit as the~~ or for the benefit of each successor ~~of the~~  
30 ~~decedent's interest.~~

31         (3) The holder of the property may return the attached  
32 certified copy of the decedent's death certificate to the  
33 affiant.

34     b. If the holder of the decedent's property refuses to  
35 pay, deliver, or transfer any property or evidence thereof to



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1 or for the benefit of the successor ~~of the decedent~~ within a  
2 reasonable time, ~~the~~ a successor may recover the property or  
3 compel its payment, delivery, or transfer in an action brought  
4 for that purpose against the holder of the property. If an  
5 action is brought against the holder under this subsection,  
6 the court shall award ~~attorney's~~ attorney fees to the person  
7 bringing the action if the court finds that the holder of the  
8 decedent's property acted unreasonably in refusing to pay,  
9 deliver, or transfer the property to or for the person benefit  
10 of the successor as required by this subsection.

11 7. a. If the requirements of this section are satisfied,  
12 receipt by the holder of the decedent's property of the  
13 affidavit under subsection 3 or 8 constitutes sufficient  
14 acquittance for the payment of money, delivery of property, or  
15 transferring the registered ownership of property pursuant to  
16 this ~~chapter~~ section and discharges the holder from any further  
17 liability with respect to the money or property. The holder  
18 may rely in good faith on the statements in the affidavit and  
19 has no duty to inquire into the truth of any statement in the  
20 affidavit.

21 b. If the requirements of this section are satisfied, the  
22 holder is not liable for any debt owed by the decedent by  
23 reason of paying money, delivering property, or transferring  
24 registered ownership of property pursuant to this ~~chapter~~  
25 section. If an action is brought against the holder under this  
26 section, the court shall award attorney fees to the holder if  
27 the court finds that the holder acted reasonably in paying,  
28 delivering, or transferring the property as required by this  
29 section.

30 ~~8. a. When a deceased distributee is entitled to money~~  
31 ~~or property claimed in an affidavit presented under this~~  
32 ~~section with respect to a deceased person whose estate is~~  
33 ~~being administered in this state, the personal representative~~  
34 ~~of the person whose estate is being administered shall~~  
35 ~~present the affidavit to the court in which the estate is~~



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1 ~~being administered. The court shall direct the personal~~  
2 ~~representative to pay the money or deliver the property to the~~  
3 ~~person identified by the affidavit as the successor of the~~  
4 ~~deceased distributee to the extent that the court determines~~  
5 ~~that the deceased distributee was entitled to the money or~~  
6 ~~property under the will or the laws of intestate succession.~~  
7 If an affidavit, executed under this section for a deceased  
8 distributee of an estate being administered in this state, is  
9 filed with the clerk of the district court in which the estate  
10 is being administered, the court shall direct the personal  
11 representative to pay the money or deliver the property to  
12 or for the benefit of each successor to the extent the court  
13 determines that the deceased distributee would have been  
14 entitled to money or property of the estate.  
15     **b.** When the department of human services is entitled to  
16 money or property of a decedent pursuant to section 249A.53,  
17 subsection 2, and no affidavit has been presented by a  
18 ~~successor of the decedent~~ as defined in subsection 2, paragraph  
19 "a" or "b", within ninety days of the date of the decedent's  
20 death, the funds in the account or other property, up to the  
21 amount of the claim of the department, shall be paid to the  
22 department upon presentation by the department or an entity  
23 designated by the department of an affidavit to the holder  
24 of the decedent's property. Such affidavit shall include  
25 the information specified in subsection 3, except that the  
26 department may submit proof of payment of funeral expenses as  
27 verification of the decedent's death instead of a certified  
28 copy of the decedent's death certificate. The amount of the  
29 department's claim shall also be included in the affidavit,  
30 which shall entitle the department to receive the funds as  
31 ~~a successor of the decedent.~~ The department shall issue a  
32 refund within sixty days to any claimant with a superior  
33 priority pursuant to section 633.425, if notice of such claim  
34 is given to the department, or to the entity designated by  
35 the department to receive notice, within one year of the

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1 department's receipt of funds. This paragraph shall apply to  
2 funds or property of the decedent transferred to the custody  
3 of the treasurer of state as unclaimed property pursuant to  
4 chapter 556.

5 9. The procedure provided by this section may be used only  
6 if no administration of the decedent's estate is pending.

7 10. Upon receipt of an affidavit under subsection 3 and  
8 reasonable proof under subsection 5 of the identity of each  
9 successor seeking distribution by virtue of the affidavit, the  
10 holder of the property shall disclose to the affiant whether  
11 the value of the property held by the holder is, or has been  
12 at any time since the decedent's death, twenty-five thousand  
13 dollars or less. An affidavit furnished for the purpose of  
14 determining whether the value of the property is, or has been  
15 at any time since the decedent's death, twenty-five thousand  
16 dollars or less need not contain the language required under  
17 subsection 3, paragraph "a", subparagraph (3), but shall state  
18 that the affiant reasonably believes that the gross value  
19 of the decedent's personal property that would otherwise be  
20 distributed by will or intestate succession is, or has been  
21 at any time since the decedent's death, twenty-five thousand  
22 dollars or less and there is no real property or the real  
23 property passes to persons exempt from inheritance tax as joint  
24 tenants with full rights of survivorship.

25 Sec. 3. Section 633.432, Code 2014, is amended to read as  
26 follows:

27 **633.432 Allowance or disallowance of claim of personal**  
28 **representative.**

29 1. The A temporary administrator appointed pursuant to  
30 section 633.431 shall, after upon investigation, file a report  
31 with the court recommending the allowance or disallowance  
32 of such a claim filed pursuant to section 633.431. The  
33 recommendation may, but need not, include information on the  
34 substantive merits of allowing or disallowing the claim.  
35 The recommendation shall include a statement that, upon

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1 investigation, a legitimate dispute either does or does not  
2 exist as to such a claim.

3 2. Unless the court allows the claim, ~~it~~ the claim shall  
4 ~~then~~ be disposed of as a contested claim in accordance with the  
5 provisions of sections 633.439 to 633.448.

6 Sec. 4. 2013 Iowa Acts, chapter 33, section 9, is amended  
7 to read as follows:

8 SEC. 9. APPLICABILITY.

9 1. The sections of this Act amending sections 633.273A, and  
10 ~~633.279, and 633.295~~ apply to estates of decedents dying on or  
11 after July 1, 2013.

12 1A. The section of this Act amending section 633.295 applies  
13 to wills executed on or after July 1, 2013.

14 2. The sections of this Act amending sections 633.290 and  
15 635.1 apply to petitions filed on or after July 1, 2013.

16 3. The section of this Act amending section 633.575 applies  
17 to all judicial proceedings held on or after July 1, 2013, in  
18 which an order for the appointment of a conservatorship is  
19 sought or has been issued.

20 4. The section of this Act amending section 633A.4504  
21 applies retroactively to all reports and accountings provided  
22 by a trustee, unless an exception applies, to one year from  
23 July 1, 2000.

24 Sec. 5. APPLICABILITY. The section of this Act amending  
25 section 633.295 applies to wills executed on or after July 1,  
26 2014.

27 Sec. 6. RETROACTIVE APPLICABILITY. The section of this Act  
28 amending 2013 Iowa Acts, chapter 33, section 9, is applicable  
29 retroactively to July 1, 2013.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill relates to wills including witness testimony,  
34 distribution of property, and claims of personal  
35 representatives, and includes applicability provisions.

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1     PROBATE OF WILLS — TESTIMONY OF WITNESSES TO WILL  
2 EXECUTION. The bill amends Code section 633.295 (affidavit  
3 form for written testimony by witnesses to a will) to allow  
4 execution of a self-proving will affidavit before or after the  
5 decedent's death and not just after the decedent's death. This  
6 amendment applies to wills executed on or after July 1, 2014.  
7     The bill also amends an applicability provision in 2013  
8 Iowa Acts, chapter 33, §9 (HF 591) to this same Code section  
9 providing that witnesses to a will need only know the identity  
10 of the testator and other witnesses. This amendment also  
11 applies retroactively to wills executed on or after July 1,  
12 2013, and not to estates of decedents dying on or after July 1,  
13 2013.  
14     TITLE AND POSSESSION OF DECEDENT'S PROPERTY — DISTRIBUTION  
15 OF PROPERTY BY AFFIDAVIT. The bill amends Code section 633.356  
16 relating to the distribution of property by affidavit where  
17 the gross value of a decedent's personal property that would  
18 otherwise be distributed by will or intestate succession is  
19 \$25,000 or less and there is no real property or the property  
20 passes to persons exempt from inheritance tax as joint tenants  
21 with right of survivorship. In this situation currently, a  
22 successor of the decedent may, by filing an affidavit, receive  
23 any particular item of tangible personal property of the  
24 decedent, have any evidence of a debt, obligation, interest,  
25 right, security, or chose in action belonging to the decedent  
26 transferred, and collect the proceeds from any life insurance  
27 policy or any other item of property for which a beneficiary  
28 has not been designated.  
29     The amendments to this section specify this Code section  
30 is applicable when the gross value of the decedent's personal  
31 property is, or has been at any time since the decedent's  
32 death, \$25,000 or less and there is no personal property or  
33 the property passes to persons exempt from inheritance tax  
34 as joint tenants with full rights of survivorship; define a  
35 successor to include a reasonably ascertainable beneficiary

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1 if decedent died testate (with a will), or a reasonably  
2 ascertainable person if decedent died intestate (without  
3 a will), or an Iowa Medicaid agency that provided medical  
4 assistance benefits to the decedent; amend certain requirements  
5 relating to information contained in the affidavit to include  
6 all of the following: a general rather than a particular  
7 description of the decedent's property, a successor's tax  
8 identification number rather than social security number, and  
9 the relationship of each successor to the decedent, that a  
10 copy of the decedent's will if applicable has been delivered  
11 to the clerk of the district court, that the affiant (person  
12 making and signing the affidavit) has requested that the  
13 appropriate property be paid, delivered, or transferred to or  
14 for the benefit of each successor; that when there are two or  
15 more successors only one of the successors is required to sign  
16 the affidavit; that the holder of the property (person having  
17 possession, custody, or control of another's property) may  
18 return a certified copy of the decedent's death certificate  
19 to the affiant; that attorney fees may be awarded to a holder  
20 if the court finds the holder acted reasonably in paying,  
21 delivering, or transferring the requisite property; that when  
22 an affidavit is filed with the clerk of the district court in  
23 which the estate is being administered, the court shall direct  
24 the personal representative to pay the money or deliver the  
25 property to or for the benefit of each successor to the extent  
26 the court determines that the deceased distributee would have  
27 been entitled to money or property of the estate; and that  
28 an affidavit can be used to ascertain whether the value of a  
29 decedent's property exceeds the statutory \$25,000 limit.

30 CLASSIFICATION, ALLOWANCE, AND PAYMENT OF DEBTS AND  
31 CHARGES — TEMPORARY ADMINISTRATOR REPORT. The bill  
32 amends Code section 633.432 relating to the allowance or  
33 disallowance of a personal representative's claim (where  
34 the personal representative is a creditor of the decedent)  
35 against a decedent's estate and the contents of a temporary

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1 administrator's report to the court. The bill allows a  
2 temporary administrator to limit the administrator's report  
3 to a recommendation allowing or disallowing the claim by a  
4 statement that, upon investigation, a legitimate dispute either  
5 does or does not exist as to such a claim.



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House Study Bill 582 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the assessment of court costs under the  
2 probate code.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 633.31, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 4. An assessment of court costs under this  
4 section shall not exceed one thousand dollars per case.

5 Sec. 2. Section 633.672, Code 2014, is amended to read as  
6 follows:

7 **633.672 Payment of court costs in conservatorships.**

8 1. No order shall be entered approving an annual report of  
9 a conservator until the court costs which have been docketed  
10 have been paid or provided for.

11 2. An assessment of court costs under this section shall not  
12 exceed one thousand dollars per case.

13 3. The court may, upon application, enter an order waiving  
14 payment of the court costs in indigent cases. However, if the  
15 conservatorship subsequently becomes financially capable of  
16 paying any waived costs, the conservator shall immediately pay  
17 the costs.

18 Sec. 3. Section 633.673, Code 2014, is amended to read as  
19 follows:

20 **633.673 Court costs in guardianships.**

21 1. The ward or the ward's estate shall be charged with the  
22 court costs of a ward's guardianship, including the guardian's  
23 fees and the fees of the attorney for the guardian.

24 2. An assessment of court costs under this section shall not  
25 exceed one thousand dollars per case.

26 3. The court may, upon application, enter an order waiving  
27 payment of the court costs in indigent cases. However, if the  
28 ward or ward's estate becomes financially capable of paying any  
29 waived costs, the costs shall be paid immediately.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill limits an assessment of court costs under Code  
34 chapter 633 (probate code), including court costs awarded in  
35 conservatorships and guardianships, to \$1,000 per case.

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House Study Bill 583 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the continued effect of terms, conditions,  
2 covenants, and provisions contained in documents and  
3 instruments creating or regulating multiple housing  
4 cooperatives and horizontal property regimes and including  
5 applicability provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5474YC (4) 85  
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1 Section 1. NEW SECTION. 499A.23 Effect of documents and  
2 instruments.

3 1. Unless amended or terminated by this chapter or by the  
4 following documents or instruments, all terms, conditions,  
5 covenants, and provisions contained in the following documents  
6 or instruments shall remain in full force and effect as long as  
7 the cooperative remains in existence:

8 a. The articles of incorporation of the cooperative and any  
9 amendments thereto.

10 b. The bylaws of the cooperative and any amendments thereto.

11 c. Any proprietary leases, contracts, or other agreements  
12 between the cooperative and a member of the cooperative or  
13 between members of the cooperative.

14 d. Any property interests created by any documents or  
15 instruments specified in paragraph "a", "b", or "c".

16 2. A document or instrument specified in subsection 1, and  
17 any property interests created by such document or instrument,  
18 shall not be extinguished, limited, or impaired by application  
19 of section 558.68 or 614.24.

20 Sec. 2. NEW SECTION. 499B.21 Effect of documents and  
21 instruments.

22 1. Unless amended or terminated by the following documents  
23 or instruments, all terms, conditions, covenants, and  
24 provisions contained in the following documents or instruments  
25 shall remain in full force and effect as long as the horizontal  
26 property regime remains in existence:

27 a. The declaration of the horizontal property regime and any  
28 amendments thereto.

29 b. The articles of incorporation of the horizontal property  
30 regime and any amendments thereto.

31 c. The bylaws of the horizontal property regime and any  
32 amendments thereto.

33 d. Any property interests created by any documents or  
34 instruments specified in paragraph "a", "b", or "c".

35 2. A document or instrument specified in subsection 1, and

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1 any property interests created by such document or instrument,  
2 shall not be extinguished, limited, or impaired by application  
3 of section 558.68 or 614.24.

4 Sec. 3. Section 558.68, Code 2014, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 6. This section shall not extinguish,  
7 limit, or impair the validity of a document or instrument  
8 specified in section 499A.23 or 499B.21, or any property  
9 interests created by such document or instrument.

10 Sec. 4. Section 614.24, Code 2014, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 4. This section shall not extinguish,  
13 limit, or impair the validity of a document or instrument  
14 specified in section 499A.23 or 499B.21, or any property  
15 interests created by such document or instrument.

16 Sec. 5. APPLICABILITY. This Act applies to all multiple  
17 housing cooperatives and horizontal property regimes created  
18 prior to, and still in existence on, July 1, 2014, and created  
19 on or after July 1, 2014.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to the effect of terms, conditions,  
24 covenants, and provisions contained in documents and  
25 instruments creating or regulating multiple housing  
26 cooperatives and horizontal property regimes.

27 The bill provides that unless amended or terminated by  
28 Code chapter 499A (multiple housing cooperatives) or by the  
29 following documents or instruments, all terms, conditions,  
30 covenants, and provisions contained in the following documents  
31 or instruments, and any property interests created by any such  
32 documents or instruments, shall remain in full force and effect  
33 as long as the cooperative remains in existence: the articles  
34 of incorporation and the bylaws of the cooperative and any  
35 amendments thereto and any proprietary leases, contracts, or

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1 other agreements between the cooperative and a member of the  
2 cooperative or between members of the cooperative.

3 The bill also provides that unless amended or terminated  
4 by Code chapter 499B (horizontal property regimes) or by the  
5 following documents or instruments, all terms, conditions,  
6 covenants, and provisions contained in the following documents  
7 or instruments, and any property interests created by any  
8 such documents or instruments, shall remain in full force  
9 and effect as long as the cooperative remains in existence:  
10 the declaration of the horizontal property regime and any  
11 amendments thereto and the articles of incorporation and the  
12 bylaws of the horizontal property regime and any amendments  
13 thereto.

14 The bill provides that the rule against perpetuities and  
15 certain provisions relating to reversion or use restrictions on  
16 land shall not impair the validity of a document or instrument  
17 property interest specified in the bill.

18 The bill applies to all multiple housing cooperatives and  
19 horizontal property regimes created prior to, and still in  
20 existence on, July 1, 2014, and created on or after July 1,  
21 2014.



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House Study Bill 584 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act providing for notice of garnishment and levy to a  
2 judgment debtor.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5437YC (20) 85  
rh/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 642.14, Code 2014, is amended to read as  
2 follows:

3 **642.14 Notice.**

4 Judgment against the garnishee shall not be entered until  
5 the ~~principal~~ defendant in the main action has had ten days'  
6 notice of the garnishment proceedings, to be served in the same  
7 manner as original notices. However, if the garnishment is to  
8 earnings owed ~~the~~ such defendant by the garnishee, judgment  
9 may be entered if notice to the defendant is served with the  
10 notice of garnishment to the garnishee who shall deliver the  
11 notice to the defendant with the remainder of or in lieu of the  
12 defendant's earnings. The garnishee shall state in answer to  
13 the service of notice of garnishment whether or not service of  
14 notice was delivered to the defendant.

15 The notice required by this section shall contain the full  
16 text of section 630.3A.

17 Sec. 2. NEW SECTION. **642.14A Notice of garnishment and**  
18 **levy.**

19 1. Whenever execution is served upon a garnishee, the  
20 sheriff shall send a notice of garnishment and levy to the  
21 defendant in the main action informing the defendant that  
22 certain real and personal property of the defendant may be  
23 exempt from execution or garnishment and that a hearing process  
24 is available for the defendant to claim such exemptions.

25 2. The notice required by this section shall be sent by  
26 restricted certified mail to the last known address of the  
27 defendant and to the defendant's attorney. Proof of mailing  
28 shall be by affidavit.

29 3. The notice required by this section shall:

30 a. Inform the defendant that judgment has been entered in  
31 the garnishment proceedings and the defendant's funds or other  
32 property is subject to execution under the judgment.

33 b. Inform the defendant that the defendant has the right  
34 to claim funds or other property exempt from execution or  
35 garnishment and a right to be timely heard on those claims.

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1       c. Inform the defendant that if the defendant does not file  
2 a motion or other appropriate pleading to claim funds or other  
3 property exempt from execution or garnishment under state or  
4 federal law, the defendant may lose any such rights and the  
5 funds or other property may be applied to the judgment against  
6 the defendant.

7 d. Inform the defendant that state and federal laws may  
8 place limits on the amount of earnings that may be garnished  
9 annually and per pay period and limits on other funds and  
10 property that may be garnished or levied against.

11 e. Contain the full text of section 630.3A.

12 f. State that the defendant may wish to consult a lawyer for  
13 advice as to the meaning of the notice.

14       4. An additional filing fee shall not be assessed for  
15 proceedings under this section.

16	EXPLANATION
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17           The inclusion of this explanation does not constitute agreement with  
18           the explanation's substance by the members of the general assembly.

19 This bill provides that notice of garnishment and levy be  
20 sent to a judgment debtor.

21 The bill provides that whenever execution is served upon  
22 a garnishee, the sheriff shall send a notice of garnishment  
23 and levy to the defendant in the main action (also known as  
24 the judgment debtor) informing the defendant that certain real  
25 and personal property and wages of the defendant may be exempt  
26 from execution or garnishment and that a hearing process is  
27 available for the defendant to claim such exemptions. The  
28 bill specifies that the notice be sent by restricted certified  
29 mail to the last known address of the defendant and to the  
30 defendant's attorney. The bill specifies the contents of the  
31 notice, including that the notice include the full text of Code  
32 section 630.3A, relating to the hearing procedure to determine  
33 a defendant's income.



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House Study Bill 585 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL BY  
CHAIRPERSON RAYHONS)

A BILL FOR

1 An Act concerning the definition of off-road utility vehicle  
2 for purposes of regulation by the department of natural  
3 resources.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5295YC (3) 85  
dea/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 321I.1, subsection 17, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. *"Off-road utility vehicle"* means a motorized vehicle with  
4 not less than four and not more than eight nonhighway tires or  
5 rubberized tracks ~~that is limited in engine displacement to~~  
6 ~~less than one thousand five hundred cubic centimeters and in~~  
7 ~~total dry weight to not more than two thousand pounds and that~~  
8 has a seat that is of bucket or bench design, not intended to  
9 be straddled by the operator, and a steering wheel or control  
10 levers for control. *"Off-road utility vehicle"* includes the  
11 following vehicles:

12 (1) *"Off-road utility vehicle — type 1"* means an off-road  
13 utility vehicle with a total dry weight of one thousand two  
14 hundred pounds or less and a width of fifty inches or less.

15 (2) *"Off-road utility vehicle — type 2"* means an off-road  
16 utility vehicle, other than a type 1 off-road utility vehicle,  
17 with a total dry weight of two thousand pounds or less, and a  
18 width of sixty-five inches or less.

19 (3) *"Off-road utility vehicle — type 3"* means an off-road  
20 utility vehicle with a total dry weight of more than two  
21 thousand pounds or a width of more than sixty-five inches, or  
22 both.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill revises the definition of "off-road utility  
27 vehicle" in Code chapter 321I, which provides for the  
28 registration and regulation of all-terrain and off-road utility  
29 vehicles by the department of natural resources and authorizes  
30 and limits the use of those vehicles on designated riding  
31 areas and trails. "Off-road utility vehicle" is defined as a  
32 motorized vehicle with not less than four and not more than  
33 eight nonhighway tires or rubberized tracks, a bucket or bench  
34 seat, and a steering wheel or control levers. The current  
35 definition of "off-road utility vehicle" includes vehicles with

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1 an engine displacement of less than 1,500 cubic centimeters and  
2 a total dry weight of less than 2,000 pounds. The bill strikes  
3 the limitation on engine size and establishes three off-road  
4 utility vehicle classifications based on weight and width as  
5 follows:

6 "Off-road utility vehicle — type 1" includes vehicles with  
7 a total dry weight of 1,200 pounds or less and a width of 50  
8 inches or less.

9 "Off-road utility vehicle — type 2" includes vehicles,  
10 other than type 1 vehicles, with a total dry weight of 2,000  
11 pounds or less and a width of 65 inches or less.

12 "Off-road utility vehicle — type 3" includes vehicles with  
13 a total dry weight of more than 2,000 pounds or a width of more  
14 than 65 inches, or both.



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House Study Bill 586 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/UTILITIES DIVISION  
BILL)

A BILL FOR

1 An Act relating to matters under the purview of the utilities  
2 division of the department of commerce.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5298XD (4) 85  
rn/nh



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 476.1D, subsection 1, paragraph c, Code  
2 2014, is amended by striking the paragraph.

3 Sec. 2. Section 476.1D, subsection 2, Code 2014, is amended  
4 to read as follows:

5 2. ~~Except as provided in subsection 1, paragraph "c",~~  
6 ~~deregulation~~ Deregulation of a service or facility for  
7 a utility is effective only after a finding of effective  
8 competition by the board.

9 Sec. 3. Section 476.3, subsection 2, paragraph b, Code 2014,  
10 is amended by striking the paragraph.

11 Sec. 4. Section 476.5, Code 2014, is amended to read as  
12 follows:

13 **476.5 Adherence to schedules — discounts.**

14 No public utility subject to rate regulation shall directly  
15 or indirectly charge a greater or less compensation for its  
16 services than that prescribed in its tariffs, and no such  
17 public utility shall make or grant any unreasonable preferences  
18 or advantages as to rates or services to any person or subject  
19 any person to any unreasonable prejudice or disadvantage.

20 ~~Nothing in this section shall be construed to prohibit~~  
21 ~~any public utility furnishing communications services from~~  
22 ~~providing any service rendered by it without charge or~~  
23 ~~at reduced rate to any of its active or retired officers,~~  
24 ~~directors, or employees, or such officers, directors or~~  
25 ~~employees of other public utilities furnishing communications~~  
26 ~~services. Provided, however, said service is for personal use,~~  
27 ~~and not for engaging in a business for profit.~~

28 Sec. 5. Section 476.6, subsection 9, Code 2014, is amended  
29 by striking the subsection.

30 Sec. 6. Section 476.29, subsection 15, Code 2014, is amended  
31 by striking the subsection.

32 Sec. 7. Section 476.96, Code 2014, is amended to read as  
33 follows:

34 **476.96 Definitions.**

35 As used in ~~section 476.95, this section, and sections~~

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1 ~~476.97 through 476.102~~ 476.100 and 476.101, unless the context  
2 otherwise requires:

3 1. ~~"Basic communications service" includes at a minimum,~~  
4 ~~basic local telephone service, switched access, 911 and~~  
5 ~~E-911 services, and dual party relay service. The board is~~  
6 ~~authorized to classify by rule at any time, any other two-way~~  
7 ~~switched communications services as basic communications~~  
8 ~~services consistent with community expectations and the public~~  
9 ~~interest.~~

10 2. ~~"Basic local telephone service" means the provision~~  
11 ~~of dial tone access and usage, for the transmission of~~  
12 ~~two-way switched communications within a local exchange area,~~  
13 ~~including, but not limited to, the following:~~

14 a. ~~Residence service and business services, including flat~~  
15 ~~rate or local measured service, private branch exchange trunks,~~  
16 ~~trunk type hunting services, direct inward dialing, and the~~  
17 ~~network access portion of central office switched exchange~~  
18 ~~service.~~

19 b. ~~Extended area service.~~

20 c. ~~Touch tone service when provided separately.~~

21 d. ~~Call tracing.~~

22 e. ~~Calling number blocking on either a per call or a per~~  
23 ~~line basis.~~

24 f. ~~Local exchange white pages directories.~~

25 g. ~~Installation and repair of local network access.~~

26 h. ~~Local operator services, excluding directory assistance.~~

27 i. ~~Toll service blocking and 1-900 and 1-976 access~~  
28 ~~blocking.~~

29 3. 1. *"Competitive local exchange service provider"* means  
30 any person, including a municipal utility, that provides local  
31 exchange services, other than a local exchange carrier or a  
32 nonrate-regulated wireline provider of local exchange services  
33 under an authorized certificate of public convenience and  
34 necessity within a specific geographic area described in maps  
35 filed with and approved by the board as of September 30, 1992.



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1     ~~4. "Interim number portability" means one or more mechanisms~~  
2     ~~by which a local exchange customer at a particular location~~  
3     ~~may change the customer's local exchange services provider~~  
4     ~~without any change in the local exchange customer's telephone~~  
5     ~~number, while experiencing as little loss of functionality as~~  
6     ~~is feasible using available technology.~~

7     ~~5. 2. "Local exchange carrier" means any person that was~~  
8     ~~the incumbent and historical rate-regulated wireline provider~~  
9     ~~of local exchange services or any successor to such person~~  
10    ~~that provides local exchange services under an authorized~~  
11    ~~certificate of public convenience and necessity within a~~  
12    ~~specific geographic area described in maps filed with and~~  
13    ~~approved by the board as of September 30, 1992.~~

14    ~~6. "Nonbasic communications services" means all~~  
15    ~~communications services subject to the board's jurisdiction~~  
16    ~~which are not deemed either by statute or by rule to be basic~~  
17    ~~communications services, including any service offered by~~  
18    ~~the local exchange carrier for the first time after July 1,~~  
19    ~~1995. A service is not considered new if it constitutes the~~  
20    ~~bundling, unbundling, or repricing of an already existing~~  
21    ~~service. Consistent with community expectations and the public~~  
22    ~~interest, the board may reclassify by rule as nonbasic those~~  
23    ~~two-way switched communications services previously classified~~  
24    ~~by rule as basic.~~

25    ~~7. "Provider number portability" means the capability of a~~  
26    ~~local exchange customer to change the customer's local exchange~~  
27    ~~services provider at the customer's same location without any~~  
28    ~~change in the local exchange customer's telephone number, while~~  
29    ~~preserving the full range of functionality that the customer~~  
30    ~~currently experiences. "Provider number portability" includes~~  
31    ~~the equal availability of information concerning the local~~  
32    ~~exchange provider serving the number to all carriers, and the~~  
33    ~~ability to deliver traffic directly to that provider without~~  
34    ~~having first to route traffic to the local exchange carrier or~~  
35    ~~otherwise use the services, facilities, or capabilities of the~~

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1 ~~local exchange carrier to complete the call, and without the~~  
2 ~~dialing of additional digits or access codes.~~

3 Sec. 8. Section 476.101, subsections 4, 5, and 6, Code 2014,  
4 are amended by striking the subsections.

5 Sec. 9. Section 476.101, subsection 8, Code 2014, is amended  
6 to read as follows:

7 8. Any person may file a written complaint with the  
8 board requesting the board to determine compliance by a  
9 local exchange carrier with the provisions of sections  
10 476.96 ~~through and~~ 476.100, 476.102, and this section, or any  
11 board rules implementing those sections. Upon the filing  
12 of such complaint, the board may promptly initiate a formal  
13 complaint proceeding and give notice of the proceeding and the  
14 opportunity for hearing. The formal complaint proceeding may  
15 be initiated at any time by the board on its own motion. The  
16 board shall render a decision in the proceeding within ninety  
17 days after the date the written complaint was filed.

18 Sec. 10. REPEAL. Sections 476.4A, 476.97, and 476.99, Code  
19 2014, are repealed.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to matters under the purview of the  
24 utilities division of the department of commerce, and is  
25 primarily focused on the removal of specified outdated or  
26 obsolete provisions.

27 The bill eliminates provisions contained in Code sections  
28 476.1D and 476.97 which provided for the retail rate-regulation  
29 or price regulation of telephone local exchange services and  
30 the discontinuance of retail rate regulation on a gradual  
31 basis.

32 The bill also eliminates a provision which authorizes  
33 an exemption from tariff filing requirements for telephone  
34 utilities for certain specific services which are no longer  
35 being offered. Additionally, the bill eliminates a provision

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1 permitting telephone utilities to offer discounted service  
2 either without charge or at a discounted rate to specified  
3 active or retired officers, directors, or employees consistent  
4 with the fact that retail rate regulation is no longer being  
5 undertaken. A provision permitting the Iowa utilities board to  
6 approve a schedule of rate levels for regulated communications  
7 services is similarly eliminated. The bill also eliminates an  
8 outdated provision requiring the board to provide a written  
9 report to the general assembly no later than January 20, 2005,  
10 describing the current status of local telephone service in  
11 Iowa.

12 The bill deletes definitions contained in Code section  
13 476.96 which are referenced in Code sections repealed by the  
14 bill. The bill additionally eliminates outdated provisions in  
15 Code section 476.101 relating to rulemaking in 1995 which was  
16 not undertaken, requiring tariffs or price lists to be filed  
17 by incumbent local exchange carriers which were superseded by  
18 federal law, and applying to contested cases pending as of July  
19 1, 1995, which have all been completed.



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House Study Bill 587 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to requirements for recycling facilities and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5229HC (1) 85  
tm/nh





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H.F. \_\_\_\_\_

1     Section 1. NEW SECTION. 455D.8A Recycling facilities —  
2 financial assurance — disposal of and records of materials  
3 accumulated.

4     1. The owner of a facility engaged in recycling shall  
5 maintain a financial assurance instrument in an amount that  
6 equals or exceeds the cost for the removal and disposal of  
7 all materials accumulated on the property of the facility and  
8 provides for closure of the facility. Upon the closure of the  
9 facility, any materials remaining on the property shall be  
10 disposed of at a sanitary landfill. The financial assurance  
11 instrument shall be one of the options listed in section  
12 455B.301, subsection 9, paragraph “c”.

13     2. For purposes of this section, a recycling facility does  
14 not include any of the following:

15     a. A facility accepting only automobiles, discarded  
16 appliances, scrap metal, or materials incidental to metal  
17 recycling.

18     b. A facility accepting discarded appliances which have not  
19 been previously dismantled for the removal of refrigerants,  
20 polychlorinated biphenyl, mercury, or other hazardous materials  
21 which may be subject to financial assurance requirements which  
22 are limited to the discarded appliance dismantling portion of  
23 the facility’s activities.

24     c. A facility engaged in the handling or processing of  
25 beverage containers collected pursuant to chapter 455C.

26     d. A facility that recycles its own materials for on-site  
27 reuse.

28     e. A waste tire collection or processing site that is  
29 required to maintain financial assurance pursuant to section  
30 455D.11A.

31     f. A facility that only accepts paper, glass, plastic, or  
32 metal either individually or commingled.

33     3. A recycling facility shall maintain records of materials  
34 accepted and transported off site for reuse in order to  
35 accurately reflect the amount of materials accumulated on the

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1 property of the facility at all times. The facility shall  
2 make a copy of these records available for inspection by the  
3 department.

4 4. If at any time a recycling facility exceeds the amount  
5 of materials upon which the amount of the financial assurance  
6 instrument is based, the facility shall cease accepting  
7 additional materials until either the amount of financial  
8 assurance is increased or the amount of the material is reduced  
9 to the financial assurance limits.

10 Sec. 2. Section 455D.22, Code 2014, is amended to read as  
11 follows:

12 **455D.22 Civil penalty.**

13 A person who violates section 455D.6, subsection 4, section  
14 455D.8A, 455D.11, 455D.11A, 455D.11B, 455D.11I, or 455D.19,  
15 or any rule, permit, or order issued pursuant thereto shall  
16 be subject to a civil penalty which shall be established,  
17 assessed, and collected in the same manner as provided in  
18 section 455B.109. Any civil penalty collected shall be  
19 deposited in the general fund of the state.

20 Sec. 3. Section 455D.25, subsection 2, Code 2014, is amended  
21 to read as follows:

22 2. Any person who violates section 455D.8A, 455D.10A,  
23 455D.11, 455D.11A, 455D.11B, 455D.11I, or 455D.19, or any order  
24 or permit issued or rule adopted pursuant to section 455D.6,  
25 subsection 4, section 455D.8A, 455D.10A, 455D.11, 455D.11A,  
26 455D.11B, 455D.11I, or 455D.19, shall be subject to a civil  
27 penalty, not to exceed ten thousand dollars for each day of  
28 such violation.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill relates to requirements for recycling facilities.

33 The bill requires the owner of a facility engaged in  
34 recycling to maintain a financial assurance instrument in  
35 an amount that equals or exceeds the cost for the removal

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1 and disposal of all materials accumulated on the property of  
2 the facility and provides for closure of the facility. Upon  
3 closure of a facility, any materials remaining on the property  
4 shall be disposed of at a sanitary landfill.

5 The bill lists types of facilities that are not included  
6 in the financial assurance requirements and includes record  
7 keeping requirements.

8 The bill provides that a facility violating the financial  
9 assurance requirements is subject to a civil penalty, not to  
10 exceed \$10,000 for each day of such violation.



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**Senate File 2069 - Introduced**

SENATE FILE 2069  
BY MATHIS

**A BILL FOR**

1 An Act relating to county financing of certain projects by  
2 modifying provisions relating to authorization procedures  
3 for certain county projects and establishing a county  
4 threshold committee.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5329XS (3) 85  
md/sc



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S.F. 2069

1 Section 1. Section 331.301, subsection 10, paragraph e,  
2 subparagraph (1), subparagraph division (a), Code 2014, is  
3 amended to read as follows:

4 (a) The board must follow substantially the authorization  
5 procedures of section 331.443 to authorize a lease or  
6 lease-purchase contract for personal property which is payable  
7 from the general fund. The board must follow substantially  
8 the authorization procedures of section 331.443 to authorize  
9 a lease or lease-purchase contract for real property which is  
10 payable from the general fund if the principal amount of the  
11 lease-purchase contract does not exceed the following limits:

12 (i) ~~Four hundred thousand~~ One million dollars in a county  
13 having a population of twenty-five thousand or less.

14 (ii) ~~Five hundred thousand~~ Two million dollars in a county  
15 having a population of more than twenty-five thousand but not  
16 more than fifty thousand.

17 (iii) ~~Six hundred thousand~~ Three million dollars in a county  
18 having a population of more than fifty thousand but not more  
19 than one hundred thousand.

20 (iv) ~~Eight hundred thousand~~ Four million dollars in a county  
21 having a population of more than one hundred thousand but not  
22 more than two hundred thousand.

23 (v) ~~One~~ Five million dollars in a county having a population  
24 of more than two hundred thousand.

25 Sec. 2. Section 331.441, subsection 2, paragraph b,  
26 subparagraph (5), Code 2014, is amended to read as follows:

27 (5) Public buildings, including the site or grounds of, and  
28 the erection, equipment, remodeling, or reconstruction of, and  
29 additions or extensions to the buildings, and including the  
30 provision and maintenance of juvenile detention or shelter care  
31 facilities, when the ~~cost~~ principal amount of the bonds does  
32 not exceed the following limits:

33 (a) ~~Six hundred thousand~~ One million dollars in a county  
34 having a population of twenty-five thousand or less.

35 (b) ~~Seven hundred fifty thousand~~ Two million dollars in a

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1 county having a population of more than twenty-five thousand  
2 but not more than fifty thousand.

3 (c) ~~Nine hundred thousand~~ Three million dollars in a county  
4 having a population of more than fifty thousand but not more  
5 than one hundred thousand.

6 (d) ~~One Four million two hundred thousand~~ dollars in a  
7 county having a population of more than one hundred thousand  
8 but not more than two hundred thousand.

9 (e) ~~One Five million five hundred thousand~~ dollars in a  
10 county having a population of more than two hundred thousand.

11 Sec. 3. Section 331.441, subsection 2, paragraph c,  
12 subparagraph (9), Code 2014, is amended to read as follows:

13 (9) Public buildings, including the site or grounds of,  
14 the erection, equipment, remodeling, or reconstruction of, and  
15 additions or extensions to the buildings, and including the  
16 provision and maintenance of juvenile detention or shelter care  
17 facilities, when the ~~cost~~ principal amount of the bonds exceeds  
18 the limits stated in subsection 2, paragraph "b", subparagraph  
19 (5).

20 Sec. 4. NEW SECTION. 331.441A County threshold committee  
21 — adjustments — notice.

22 1. The director of the department of management shall  
23 appoint a county threshold committee. The committee  
24 shall consist of seven members, three of whom shall be  
25 representatives of counties, three of whom shall be  
26 representatives of private sector contractor organizations, and  
27 with the remaining member being the director of the department  
28 of management or the director's designee, who shall serve as  
29 chairperson of the committee. A vacancy in the membership of  
30 the committee shall be filled by the director.

31 2. The committee shall review the thresholds applicable  
32 to county lease and lease-purchase contracts under section  
33 331.301, subsection 10, paragraph "e", subparagraph (1),  
34 subparagraph division (a), and to county projects defined as  
35 an essential county purpose under section 331.441, subsection



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1 2, paragraph "b", subparagraph (5), or a general county  
2 purpose under section 331.441, subsection 2, paragraph "c",  
3 subparagraph (9). The committee shall review price adjustments  
4 for all types of such contracts and projects based on changes  
5 in the construction price index from the preceding year. Upon  
6 completion of the review, the committee may make adjustments in  
7 the applicable thresholds for types of contracts and projects  
8 based on the price adjustments. However, a threshold shall  
9 not be adjusted to an amount that is less than the threshold  
10 applicable to a county on July 1, 2014, as provided in section  
11 331.301 or section 331.441. An adjusted threshold shall take  
12 effect as provided in subsection 3, and shall remain in effect  
13 until a new adjusted threshold is established and becomes  
14 effective as provided in this section.

15 3. The committee shall meet to conduct the review and  
16 make the adjustments described in this section on or before  
17 August 1 of every other year, or of every year if determined  
18 necessary by the committee. By September 1 of each year in  
19 which a committee makes adjustments in the thresholds, the  
20 director shall cause an advisory notice to be published in the  
21 Iowa administrative bulletin and in a newspaper of general  
22 circulation in this state, stating the adjusted thresholds to  
23 be in effect on January 1 of the following year, as established  
24 by the committee under this section.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill relates to county finance by modifying provisions  
29 relating to the authorization procedures for county projects by  
30 raising certain limitation amounts and by establishing a county  
31 threshold committee.

32 The bill increases the threshold amounts that determine  
33 whether a project can be undertaken using the procedures for  
34 essential county purpose bonds when the project involves  
35 a lease contract or a lease-purchase contract. The bill

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md/sc



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1 increases the threshold amounts in the following manner: For  
2 counties with a population of 25,000 or less, the threshold  
3 amount is increased from \$400,000 to \$1 million; for counties  
4 with a population of more than 25,000 but not more than 50,000,  
5 the threshold amount is increased from \$500,000 to \$2 million;  
6 for counties with a population of more than 50,000 but not more  
7 than 100,000, the threshold amount is increased from \$600,000  
8 to \$3 million; for counties with a population of more than  
9 100,000 but not more than 200,000, the threshold amount is  
10 increased from \$800,000 to \$4 million; and for counties with  
11 a population of more than 200,000, the threshold amount is  
12 increased from \$1 million to \$5 million.

13 The bill modifies the definition of "essential county  
14 purpose" to specify that public building projects meet the  
15 definition of "essential county purpose" if the principal  
16 amount of the bonds does not exceed certain threshold amounts  
17 based upon the population of the county. Current law specifies  
18 that a public building project meets the definition of an  
19 "essential county purpose" if the costs of the project do not  
20 exceed certain threshold amounts based upon the population of  
21 the county.

22 The bill increases the threshold amounts that determine  
23 whether a public building project is an essential county  
24 purpose and whether the board of supervisors may follow the  
25 authorization procedures for essential county purpose bonds  
26 under Code section 331.443.

27 The board may follow the authorization procedures for  
28 essential county purpose bonds when the principal amount of the  
29 bonds does not exceed the following limits: (1) \$1 million  
30 in a county having a population of 25,000 or less; (2) \$2  
31 million in a county having a population of more than 25,000  
32 but not more than 50,000; (3) \$3 million in a county having a  
33 population of more than 50,000 but not more than 100,000; (4)  
34 \$4 million in a county having a population of more than 100,000  
35 but not more than 200,000; (5) \$5 million in a county having a

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1 population of more than 200,000.

2 The bill modifies the definition of "general county purpose"  
3 to specify that public building projects meet the definition of  
4 "general county purpose" if the principal amount of the bonds  
5 exceeds certain threshold amounts based upon the population  
6 of the county. Current law specifies that a public building  
7 project meets the definition of "general county purpose" if the  
8 costs of the project exceed certain threshold amounts based  
9 upon the population of the county.

10 Generally, an essential county purpose bond issuance does  
11 not require approval of the voters and a general county purpose  
12 bond issuance requires approval of the voters.

13 The bill directs the director of the department of  
14 management to appoint a county threshold committee. The  
15 committee consists of seven members, three of whom shall  
16 be representatives of counties, three of whom shall be  
17 representatives of private sector contractor organizations,  
18 and the remaining member being the director of the department  
19 of management or the director's designee, who shall serve as  
20 chairperson of the committee.

21 The committee is required to review the thresholds  
22 applicable to county lease and lease-purchase contracts  
23 under Code section 331.301 and to county projects defined  
24 as essential purposes or general county purposes under Code  
25 section 331.441. The committee is required to review price  
26 adjustments for all types of such contracts and projects based  
27 on changes in the construction price index from the preceding  
28 year. Upon completion of the review, the committee may make  
29 adjustments in the applicable thresholds based on the price  
30 adjustments. However, a threshold may not be adjusted to an  
31 amount that is less than the threshold applicable to a county  
32 on July 1, 2014. The committee meets on or before August 1  
33 of every other year, or of every year if determined necessary  
34 by the committee. By September 1 of each year in which a  
35 committee makes adjustments in the thresholds, the director of

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1 the department of management shall cause an advisory notice  
2 to be published in the Iowa administrative bulletin and in  
3 a newspaper of general circulation in this state, stating  
4 the adjusted thresholds to be in effect on January 1 of the  
5 following year, as established by the committee.



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**Senate File 2070 - Introduced**

SENATE FILE 2070  
BY SCHOENJAHN

**A BILL FOR**

1 An Act relating to the definition of dyslexia, screening for  
2 dyslexia, and professional development opportunities and  
3 requirements and endorsement for instruction on reading  
4 disabilities including dyslexia.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5570XS (3) 85  
kh/nh



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1 Section 1. Section 256.9, subsection 53, paragraph c,  
2 subparagraph (1), subparagraph division (e), Code 2014, is  
3 amended to read as follows:

4 (e) Professional development strategies and materials to  
5 support teacher effectiveness in student literacy development.  
6 The center shall also collaborate with area education agencies  
7 to provide practitioners with professional development  
8 opportunities related to reading disabilities, including but  
9 not limited to dyslexia, designed to account for the various  
10 manners in which different practitioners interact with, or  
11 develop instructional programs for, students with reading  
12 disabilities.

13 Sec. 2. Section 256B.2, subsection 1, paragraph a, Code  
14 2014, is amended to read as follows:

15 a. *"Children requiring special education"* means persons under  
16 twenty-one years of age, including children under five years of  
17 age, who have a disability in obtaining an education because  
18 of a head injury, autism, behavioral disorder, or physical,  
19 mental, communication, or learning disability including but not  
20 limited to dyslexia, as defined by the rules of the department  
21 state board of education. Rules adopted by the state board of  
22 education relating to special education shall incorporate the  
23 definition of dyslexia adopted by the international dyslexia  
24 association. If a child requiring special education reaches  
25 the age of twenty-one during an academic year, the child may  
26 elect to receive special education services until the end of  
27 the academic year.

28 Sec. 3. Section 256B.7, Code 2014, is amended to read as  
29 follows:

30 **256B.7 Examinations of children.**

31 1. a. The division of special education shall distribute  
32 to each school district and accredited nonpublic school  
33 information on screening instruments that are available to  
34 identify students who possess one or more potential indicators  
35 of dyslexia or another reading disability. The division



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1 shall provide information screening instruments appropriate  
2 for kindergarten through grade two students and screening  
3 instruments that may be suitably used for older students. The  
4 division shall develop and distribute to each school district  
5 and accredited nonpublic school guidance on appropriate  
6 intervention strategies for students diagnosed with dyslexia  
7 or another reading disability.

8 b. Each school district shall, and an accredited nonpublic  
9 school may, select and implement age-appropriate screening  
10 instruments for the early diagnosis of dyslexia and other  
11 reading disabilities. A screening shall be administered by a  
12 teacher or other practitioner properly trained in the screening  
13 process for dyslexia and other reading disabilities. Each  
14 school district shall ensure that each student enrolled in  
15 the school district who has exhibited one or more potential  
16 indicators of dyslexia or another reading disability is  
17 screened for dyslexia and other reading disabilities using a  
18 screening instrument selected pursuant to paragraph "a" no  
19 later than the student's completion of the first semester of  
20 the second grade.

21 c. If a student is determined, through the screening  
22 conducted pursuant to paragraph "b", to possess one or  
23 more potential indicators of dyslexia or another reading  
24 disability, the school district or school shall ensure that the  
25 student receives a comprehensive assessment for the learning  
26 disability. In the event that a diagnosis of dyslexia or  
27 another reading disability is confirmed by the comprehensive  
28 assessment, the student shall receive appropriate special  
29 education as provided in this chapter, which shall include  
30 but not be limited to appropriate evidence-based intervention  
31 strategies, including intense instruction on phonemic  
32 awareness, phonics and fluency, vocabulary, and reading  
33 comprehension.

34 d. As used in this subsection, "potential indicators of  
35 dyslexia or another reading disability" means indicators that



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1 include but are not limited to difficulty in acquiring language  
2 skills; inability to comprehend oral or written language;  
3 difficulty in rhyming words; difficulty in naming letters,  
4 recognizing letters, matching letters to sounds, or blending  
5 sounds when speaking or reading words; difficulty recognizing  
6 or remembering sight words; consistent transposition of number  
7 sequences, letter reversals, inversions, or substitutions; and  
8 trouble in replication of content.

9     2. In order to render proper instruction to each child  
10 requiring special education, the school districts shall certify  
11 children requiring special education for special instruction  
12 in accordance with the requirements set up by the division  
13 of special education and shall provide examinations for  
14 children preliminary to making certification. The examinations  
15 necessary for the certification of children requiring special  
16 education shall be prescribed by the state division of special  
17 education. Disputes concerning a child's eligibility for  
18 special education shall be addressed under rules and procedures  
19 adopted by the state board of education pursuant to section  
20 256B.6 and consistent with the federal Individuals with  
21 Disabilities Education Act of 2004, 20 U.S.C. § 1400 et seq.

22     Sec. 4. Section 272.2, Code 2014, is amended by adding the  
23 following new subsection:

24     NEW SUBSECTION. 19. Adopt rules establishing criteria, and  
25 issuance and renewal requirements, for a reading disability  
26 instruction endorsement. Training requirements for the  
27 endorsement shall be specific to the needs of students with  
28 reading disabilities. In developing the rules, the board  
29 shall review knowledge and practice standards published  
30 by the international dyslexia association and criteria and  
31 requirements developed by other states for certification of  
32 individuals who work with students with dyslexia.

33     Sec. 5. Section 273.2, Code 2014, is amended by adding the  
34 following new subsection:

35     NEW SUBSECTION. 10. The area education agency board shall

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1 provide to the local school districts in the area professional  
2 development instruction on the screening, intervention,  
3 accommodation, and use of technology for students with reading  
4 disabilities including but not limited to dyslexia. School  
5 districts in the area are encouraged to require that the  
6 following practitioners annually complete two hours of such  
7 professional development instruction: general education  
8 practitioners teaching at the kindergarten through grade three  
9 levels, special education teachers, basic skills teachers,  
10 English as a second language teachers, reading specialists,  
11 learning disabilities teacher consultants, and speech-language  
12 specialists.

13 Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance  
14 with section 25B.2, subsection 3, the state cost of requiring  
15 compliance with any state mandate included in this Act shall  
16 be paid by a school district from state school foundation aid  
17 received by the school district under section 257.16. This  
18 specification of the payment of the state cost shall be deemed  
19 to meet all of the state funding-related requirements of  
20 section 25B.2, subsection 3, and no additional state funding  
21 shall be necessary for the full implementation of this Act  
22 by and enforcement of this Act against all affected school  
23 districts.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill requires that rules relating to special education  
28 adopted by the state board of education incorporate the  
29 definition of dyslexia adopted by the international dyslexia  
30 association, and provides for the screening of students for  
31 dyslexia or other reading disabilities, for professional  
32 development opportunities and requirements for instruction on  
33 reading disabilities including dyslexia, and for issuance of  
34 a reading disability instruction endorsement by the board of  
35 educational examiners.



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1 The Iowa reading research center, under the department  
2 of education, is directed to collaborate with area education  
3 agencies to provide practitioners with professional development  
4 opportunities related to reading disabilities, including but  
5 not limited to dyslexia, designed to account for the various  
6 manners in which different practitioners interact with, or  
7 develop instructional programs for, students with reading  
8 disabilities.

9 The bill changes the definition of "children requiring  
10 special education" to add that a learning disability includes  
11 but is not limited to dyslexia, and makes a technical change to  
12 recognize the authority of the state board of education, rather  
13 than the department, to adopt rules relating to the definition.

14 The division of special education is directed to distribute  
15 to each school district and accredited nonpublic school  
16 information on screening instruments to identify students who  
17 possess one or more potential indicators of dyslexia or another  
18 reading disability. The division must also provide information  
19 on screening instruments appropriate for kindergarten through  
20 grade two students and screening instruments that may be  
21 suitably used for older students.

22 A school district shall, and an accredited nonpublic  
23 school may, select and implement age-appropriate screening  
24 instruments for the early diagnosis of dyslexia and other  
25 reading disabilities. The division must develop and distribute  
26 to each school district and accredited nonpublic school  
27 guidance on appropriate intervention strategies for such  
28 students. Screening must be administered by a properly  
29 trained practitioner. A student who has exhibited one or more  
30 potential indicators of dyslexia or another reading disability  
31 must be screened by the school district by the middle of second  
32 grade.

33 If a student is determined through screening to possess one  
34 or more potential indicators of dyslexia or another reading  
35 disability, the school district or school shall ensure that





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1 the student receives a comprehensive assessment for learning  
2 disabilities. In the event that a diagnosis of dyslexia or  
3 another reading disability is confirmed by the comprehensive  
4 assessment, the student shall receive appropriate special  
5 education as provided in Code chapter 256B, which shall  
6 include but not be limited to appropriate evidence-based  
7 intervention strategies, including intense instruction on  
8 phonemic awareness, phonics and fluency, vocabulary, and  
9 reading comprehension.

10 The bill defines "potential indicators of dyslexia or  
11 another reading disability" to mean indicators that include but  
12 are not limited to difficulty in acquiring language skills;  
13 inability to comprehend oral or written language; difficulty  
14 in rhyming words; difficulty in naming letters, recognizing  
15 letters, matching letters to sounds, or blending sounds  
16 when speaking or reading words; difficulty recognizing or  
17 remembering sight words; consistent transposition of number  
18 sequences, letter reversals, inversions, or substitutions; and  
19 trouble in replication of content.

20 The bill also requires the board of educational examiners  
21 to adopt rules establishing criteria, and issuance and  
22 renewal requirements, for a reading disability instruction  
23 endorsement. The bill specifies that training requirements  
24 for the endorsement must be specific to the needs of students  
25 with reading disabilities. The bill requires the board,  
26 when developing the rules, to review knowledge and practice  
27 standards published by the international dyslexia association  
28 and criteria and requirements developed by other states for  
29 certification of individuals who work with students with  
30 dyslexia.

31 Area education agency boards are directed to provide to the  
32 local school districts professional development instruction  
33 on the screening, intervention, accommodation, and use of  
34 technology for students with reading disabilities including but  
35 not limited to dyslexia. School districts are encouraged to



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1 require that the following practitioners annually complete two  
2 hours of such professional development instruction: general  
3 education practitioners teaching at the kindergarten through  
4 grade three levels, special education teachers, basic skills  
5 teachers, English as a second language teachers, reading  
6 specialists, learning disabilities teacher consultants, and  
7 speech-language specialists.

8     The bill may include a state mandate as defined in Code  
9 section 25B.3. The bill requires that the state cost of  
10 any state mandate included in the bill be paid by a school  
11 district from state school foundation aid received by the  
12 school district under Code section 257.16. The specification  
13 is deemed to constitute state compliance with any state mandate  
14 funding-related requirements of Code section 25B.2. The  
15 inclusion of this specification is intended to reinstate the  
16 requirement of political subdivisions to comply with any state  
17 mandates included in the bill.



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**Senate File 2071 - Introduced**

SENATE FILE 2071  
BY WILHELM

**A BILL FOR**

1 An Act increasing the amount of the volunteer fire fighter and  
2 volunteer emergency medical services personnel tax credit  
3 and including retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5741XS (2) 85  
mm/sc



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S.F. 2071

1 Section 1. Section 422.12, subsection 2, paragraph c,  
2 subparagraph (1), unnumbered paragraph 1, Code 2014, is amended  
3 to read as follows:

4 A volunteer fire fighter and volunteer emergency medical  
5 services personnel credit equal to ~~fifty~~ one hundred dollars  
6 to compensate the taxpayer for the voluntary services if the  
7 volunteer served for the entire tax year.

8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies  
9 retroactively to January 1, 2014, for tax years beginning on  
10 or after that date.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill increases to \$100 from \$50 the amount of the  
15 volunteer fire fighter and volunteer emergency medical services  
16 personnel tax credit available against the state individual  
17 income tax.

18 The bill applies retroactively to January 1, 2014, for tax  
19 years beginning on or after that date.



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**Senate File 2072 - Introduced**

SENATE FILE 2072  
BY CHELGREN and GUTH

**A BILL FOR**

- 1 An Act making an appropriation for secondary road
- 2 infrastructure projects.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5089XS (6) 85  
dea/nh



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S.F. 2072

1 Section 1. SECONDARY ROAD INFRASTRUCTURE PROJECTS —  
2 APPROPRIATION. There is appropriated from the general fund  
3 of the state to the road use tax fund for the fiscal year  
4 beginning July 1, 2014, and ending June 30, 2015, the following  
5 amount, to be used for the purposes designated:

6 ..... \$200,000,000

7 Notwithstanding section 312.2, 312.3, 312.3C, or 312.3D, or  
8 any other provision to the contrary, the moneys appropriated  
9 pursuant to this section shall be used for construction,  
10 reconstruction, and improvement projects on roads and bridges  
11 within the secondary road system. The treasurer of state shall  
12 distribute the amount appropriated under this section for  
13 deposit in the secondary road funds of the counties as follows:

14 1. The first \$99,000,000 shall be allocated to each county  
15 on an equal basis.

16 2. The remaining \$101,000,000 shall be allocated to the  
17 counties on a per capita basis.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill appropriates \$200 million from the general fund  
22 of the state to the road use tax fund for FY 2014-2015 for  
23 construction, reconstruction, and improvement projects on roads  
24 and bridges within the secondary road system. The bill directs  
25 the treasurer of state to distribute the first \$99 million to  
26 each county equally, and the remaining \$101 million is to be  
27 distributed to the counties on a per capita basis.



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**Senate File 2073 - Introduced**

SENATE FILE 2073  
BY McCOY

**A BILL FOR**

1 An Act establishing a criminal penalty for a violent habitual  
2 offender.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5028XS (10) 85  
jm/rj



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S.F. 2073

1 Section 1. Section 901.5, subsection 2, Code 2014, is  
2 amended to read as follows:

3 2. If the defendant is not ~~an~~ a habitual offender or violent  
4 habitual offender as defined by section 902.8 or 902.8B, the  
5 court may pronounce judgment and impose a fine.

6 Sec. 2. NEW SECTION. 902.8B Minimum sentence — violent  
7 habitual offender.

8 1. A violent habitual offender is any person convicted of  
9 a class "C" or a class "D" felony, who has twice before been  
10 convicted of any felony violation under chapter 707, 708, 709,  
11 or 710. An offense is a felony if, by the law under which the  
12 person is convicted, it is so classified at the time of the  
13 person's conviction. A person sentenced as a violent habitual  
14 offender shall not be eligible for parole until the person has  
15 served the minimum sentence of confinement of four years.

16 2. For purposes of this section, felony conviction  
17 includes any felony conviction in another jurisdiction that is  
18 comparable to a felony listed in subsection 1 or any conviction  
19 under the prior laws of this state or another jurisdiction,  
20 that is comparable to a felony conviction listed in subsection  
21 1.

22 Sec. 3. Section 902.9, subsection 1, paragraphs c through e,  
23 Code 2014, are amended to read as follows:

24 c. ~~An~~ A habitual offender under section 902.8 shall be  
25 confined for no more than fifteen years.

26 d. A class "C" felon, not ~~an~~ a habitual offender, shall be  
27 confined for no more than ten years, and in addition shall be  
28 sentenced to a fine of at least one thousand dollars but not  
29 more than ten thousand dollars.

30 e. A class "D" felon, not ~~an~~ a habitual offender, shall be  
31 confined for no more than five years, and in addition shall be  
32 sentenced to a fine of at least seven hundred fifty dollars but  
33 not more than seven thousand five hundred dollars.

34 Sec. 4. Section 902.9, subsection 1, Code 2014, is amended  
35 by adding the following new paragraph:

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1     NEW PARAGRAPH. *Od.* A violent habitual offender under  
2 section 902.8B shall be confined for no more than twenty-one  
3 years.

4     Sec. 5. Section 906.4, subsection 1, Code 2014, is amended  
5 to read as follows:

6     1. A parole or work release shall be ordered only for the  
7 best interest of society and the offender or as otherwise  
8 required by law, and not as an award of clemency. The board  
9 shall release on parole or work release any person whom it  
10 has the power to so release, when in its opinion there is  
11 reasonable probability that the person can be released without  
12 detriment to the community or to the person. A person's  
13 release is not a detriment to the community or the person if  
14 the person is able and willing to fulfill the obligations of a  
15 law-abiding citizen, in the board's determination.

16    Sec. 6. Section 906.4, subsection 2, Code 2014, is amended  
17 by adding the following new paragraph:

18    NEW PARAGRAPH. *c.* A person serving a sentence under section  
19 902.8B shall be placed on parole or work release at least  
20 one year prior to the discharge of the person's sentence.  
21 Parole or work release for a person serving a sentence under  
22 section 902.8B, shall begin in a residential treatment facility  
23 operated by a judicial district department of correctional  
24 services.

25    Sec. 7. Section 907.3, subsection 1, paragraph a, Code 2014,  
26 is amended by adding the following new subparagraph:

27    NEW SUBPARAGRAPH. (14) The defendant is classified as a  
28 violent habitual offender under section 902.8B.

29    Sec. 8. Section 907.3, subsection 2, paragraph a, Code 2014,  
30 is amended by adding the following new subparagraph:

31    NEW SUBPARAGRAPH. (8) Section 902.8B classifying the  
32 defendant as a violent habitual offender.

33    Sec. 9. Section 907.3, subsection 3, Code 2014, is amended  
34 by adding the following new paragraph:

35    NEW PARAGRAPH. *g.* A sentence imposed under section 902.8B.

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2/3

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EXPLANATION

2           The inclusion of this explanation does not constitute agreement with  
3           the explanation's substance by the members of the general assembly.

4     This bill establishes a criminal penalty for a violent  
5 habitual offender.

6 Under the bill, a person convicted of a class "C" or a class  
7 "D" felony, who has twice before been convicted of any felony  
8 violation under Code chapter 707 (homicide and related crimes),  
9 708 (assault and related offenses), 709 (sexual abuse and  
10 related offenses), 710 (kidnapping and related offenses), or  
11 any similar offense in another jurisdiction shall be classified  
12 as a violent habitual offender. A person classified as a  
13 violent habitual offender shall be confined for no more than  
14 21 years. A person sentenced as a violent habitual offender  
15 shall not be eligible for parole until the person has served  
16 the minimum sentence of confinement of four years.

17 The bill requires a violent habitual offender to be placed  
18 on parole or work release prior to the expiration of the  
19 sentence. The bill prohibits a violent habitual offender  
20 from being discharged early from parole or work release  
21 unless the offender has served at least one year on parole  
22 or work release. The bill also requires a violent habitual  
23 offender's parole or work release to begin in a residential  
24 treatment facility operated by a judicial district department  
25 of correctional services.

26 The bill also prohibits a person classified as a violent  
27 habitual offender from receiving a deferred judgment, or a  
28 deferred or suspended sentence.



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**Senate File 2074 - Introduced**

SENATE FILE 2074  
BY BRASE

**A BILL FOR**

1 An Act relating to public access to audio recordings of  
2 enhanced 911 service calls.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5722XS (4) 85  
rn/nh



Iowa General Assembly  
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S.F. 2074

1 Section 1. Section 22.7, subsection 5, Code 2014, is amended  
2 to read as follows:

3 5. Peace officers' investigative reports, and specific  
4 portions of electronic mail and telephone billing records of  
5 law enforcement agencies if that information is part of an  
6 ongoing investigation, except where disclosure is authorized  
7 elsewhere in this Code. However, the date, time, specific  
8 location, and immediate facts and circumstances surrounding a  
9 crime or incident shall not be kept confidential under this  
10 section, except in those unusual circumstances where disclosure  
11 would plainly and seriously jeopardize an investigation or pose  
12 a clear and present danger to the safety of an individual. An  
13 audio recording of an enhanced 911 service call received by a  
14 public safety answering point, as defined in section 34A.2,  
15 that conveys the date, time, specific location, or immediate  
16 facts or circumstances surrounding a crime or incident, and  
17 is otherwise not considered confidential under this section,  
18 shall be kept confidential but a written transcript of the  
19 audio recording shall not be kept confidential. To the extent  
20 that an enhanced 911 service call audio recording may convey  
21 the date, time, specific location, and immediate facts and  
22 circumstances surrounding a crime or incident, and otherwise be  
23 considered not confidential under this section, only a written  
24 transcript of the audio recording shall be considered a public  
25 record. Specific portions of electronic mail and telephone  
26 billing records may only be kept confidential under this  
27 subsection if the length of time prescribed for commencement  
28 of prosecution or the finding of an indictment or information  
29 under the statute of limitations applicable to the crime that  
30 is under investigation has not expired.

31 Sec. 2. Section 22.7, subsection 18, paragraph c, Code 2014,  
32 is amended to read as follows:

33 c. Information contained in the communication is a public  
34 record to the extent that it indicates the date, time, specific  
35 location, and immediate facts and circumstances surrounding

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1 the occurrence of a crime or other illegal act, except to  
2 the extent that its disclosure would plainly and seriously  
3 jeopardize a continuing investigation or pose a clear and  
4 present danger to the safety of any person. An audio recording  
5 of an enhanced 911 service call received by a public safety  
6 answering point, as defined in section 34A.2, that conveys  
7 the date, time, specific location, or immediate facts or  
8 circumstances surrounding a crime or incident, and is otherwise  
9 not considered confidential under this section, shall be kept  
10 confidential but a written transcript of the audio recording  
11 shall not be kept confidential. To the extent that an enhanced  
12 911 service call audio recording may convey the date, time,  
13 specific location, and immediate facts and circumstances  
14 surrounding a crime or other illegal act, and otherwise be  
15 considered not confidential under this section, only a written  
16 transcript of the audio recording shall be considered a public  
17 record. In any action challenging the failure of the lawful  
18 custodian to disclose any particular information of the kind  
19 enumerated in this paragraph, the burden of proof is on the  
20 lawful custodian to demonstrate that the disclosure of that  
21 information would jeopardize such an investigation or would  
22 pose such a clear and present danger.

23

EXPLANATION

24           The inclusion of this explanation does not constitute agreement with  
25           the explanation's substance by the members of the general assembly.

26       This bill relates to provisions currently contained in Code  
27 section 22.7, dealing with confidential public records.

28       Code section 22.7, subsection 5, provides that peace  
29 officers' investigative reports, and specific portions  
30 of electronic mail and telephone billing records of law  
31 enforcement agencies are to be regarded as confidential if  
32 that information is part of an ongoing investigation unless  
33 disclosure is authorized elsewhere in the Code. There is  
34 an exception providing for public access to the disclosure  
35 of the date, time, specific location, and immediate facts

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1 and circumstances surrounding a crime or incident except  
2 where disclosure would plainly and seriously jeopardize an  
3 investigation or pose a clear and present danger to the safety  
4 of an individual.

5 Similarly, Code section 22.7, subsection 18, confers  
6 confidential status on communications not required by law,  
7 rule, procedure, or contract made to a government body or  
8 to any of its employees by identified persons outside of  
9 government, to the extent that the government body receiving  
10 those communications from such persons outside of government  
11 could reasonably believe that those persons would be  
12 discouraged from making them to that government body if they  
13 were available for general public examination. Exceptions  
14 providing for public access include information conveying  
15 the date, time, specific location, and immediate facts and  
16 circumstances surrounding the occurrence of a crime or other  
17 illegal act, except to the extent that its disclosure would  
18 plainly and seriously jeopardize a continuing investigation or  
19 pose a clear and present danger to the safety of any person.

20 In both instances, the bill provides that an enhanced 911  
21 audio recording received by a public safety answering point,  
22 as defined in Code section 34A.2, that conveys the date,  
23 time, specific location, or immediate facts or circumstances  
24 surrounding a crime or incident, and is otherwise not  
25 considered confidential, shall be kept confidential but a  
26 written transcript of the audio recording shall not be kept  
27 confidential.



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**Senate File 2075 - Introduced**

SENATE FILE 2075  
BY MATHIS

**A BILL FOR**

1 An Act allowing parents, guardians, or custodians of a minor to  
2 confer health care treatment decisions related to that minor  
3 to other adult persons.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ad/nh



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1 Section 1. NEW SECTION. 239.1 Title.

2 This chapter shall be known and may be cited as the "*Health*  
3 *Care Consent Act*".

4 Sec. 2. NEW SECTION. 239.2 Authorization for consent to  
5 health care treatment and information.

6 1. a. A parent, guardian, or custodian of a minor may  
7 authorize an adult person to exercise certain concurrent  
8 parental rights and responsibilities in regard to the minor  
9 as described in subsection 4. If conflicting decisions are  
10 made under such concurrent rights and responsibilities, the  
11 decision of the parent, guardian, or custodian shall supersede  
12 the decision of the person upon whom the parental rights and  
13 responsibilities were conferred.

14 b. "*Minor*", for purposes of this chapter, means a person  
15 under eighteen years of age who has not been and is not  
16 married.

17 2. The parent, guardian, or custodian of a minor may  
18 only confer those parental rights and responsibilities that  
19 the parent, guardian, or custodian lawfully possesses and  
20 such authorization shall not divest the parent, guardian,  
21 or custodian of the minor of the parental rights and  
22 responsibilities.

23 3. The parent, guardian, or custodian of a minor shall  
24 not authorize an adult person to exercise parental rights and  
25 responsibilities under this section to circumvent any state or  
26 federal law, or to reconfer rights to a person from whom those  
27 rights have been removed by a court of law.

28 4. The parental rights and responsibilities which may be  
29 conferred to an adult person pursuant to this section are as  
30 follows:

31 a. The power to consent to medical, surgical, dental,  
32 developmental, mental health, or other examination or treatment  
33 to be rendered to the minor under the supervision of or upon  
34 the advice of a physician, nurse, school nurse, dentist, mental  
35 health professional, or other health care professional licensed

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1 to practice in this state.

2     **b.** The power to exercise any existing parental rights to  
3 obtain records or information with regard to the health care  
4 services described in paragraph "a" or insurance coverage  
5 related to such services.

6     Sec. 3. NEW SECTION.   **239.3 Authorization requirements.**

7     1. A health care consent authorization under section 239.2  
8 shall be in writing and shall include all of the following:

9     **a.** The name of the person upon whom the parental rights and  
10 responsibilities are conferred.

11    **b.** The name and date of birth of each minor with respect to  
12 whom the parental rights and responsibilities are conferred.

13    **c.** A statement by the person conferring the parental rights  
14 and responsibilities that there are no court orders presently  
15 in effect that would prohibit the person from conferring the  
16 parental rights and responsibilities.

17    **d.** A description of the specific parental rights and  
18 responsibilities that are being conferred pursuant to section  
19 239.2, subsection 4.

20    2. A health care consent authorization under section 239.2  
21 shall be signed by the parent, guardian, or custodian in the  
22 presence of and along with the contemporaneous signatures of  
23 two witnesses who are at least eighteen years of age. The  
24 adult person upon whom the parental rights and responsibilities  
25 are being conferred may not serve as one of the witnesses. The  
26 adult person upon whom the parental rights and responsibilities  
27 are being conferred shall also sign the authorization.

28    Sec. 4. NEW SECTION.   **239.4 Form of health care consent**  
29 **authorization.**

30    A health care consent authorization executed pursuant to  
31 this chapter may, but need not, be in the following form:

32                   HEALTH CARE CONSENT AUTHORIZATION

33    I (name of parent, guardian, or custodian of minor) am the  
34 (parent, guardian, or custodian) of the child listed below and  
35 there are no court orders now in effect that would prohibit

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1 me from conferring the power to consent described in this  
2 authorization upon another person.

3 I (name of parent, guardian, or custodian) do confer upon  
4 (name of adult person), residing at (adult person's address),  
5 the power to consent to necessary examination and treatment  
6 as described in this authorization for the following child:  
7 (name of child), residing at (child's address), born on  
8 (child's birthdate), and on the child's behalf do state that  
9 the power to consent which I confer shall not be affected by my  
10 subsequent disability or incapacity.

11 The parental rights and responsibilities which I confer  
12 are specifically limited to health care decision making as  
13 described in this authorization and may be exercised only by  
14 the person named above. The person named above may consent  
15 to the child's (cross out all that do not apply): medical,  
16 dental, surgical, developmental, and/or mental health  
17 examination or treatment and may have access to any and all  
18 records, including but not limited to insurance records,  
19 regarding any such services.

20 I confer the power to consent freely and knowingly in order to  
21 provide for the child and not as a result of pressure, threats,  
22 or payments by any person or agency. This document shall  
23 remain in effect until it is revoked by notifying the child's  
24 health care and insurance providers and the person named above,  
25 in writing, that I wish to revoke it.

26 .....

27 Signature of parent, guardian, or custodian

28 Sec. 5. NEW SECTION. 239.5 Use by health care provider —  
29 liability.

30 1. An authorization described in section 239.2, which is  
31 consistent with the requirements of section 239.3, shall be  
32 honored by any physician, nurse, school nurse, dentist, mental  
33 health professional, other health care professional, hospital,  
34 health care facility, mental health facility, or insurance  
35 provider.



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1     2. A health care provider or an insurance provider who  
2 acts in good faith on the authorization granted through a  
3 health care consent authorization that is consistent with the  
4 requirements of this chapter has no obligation to make any  
5 further inquiry or investigation and is not subject to criminal  
6 prosecution, civil liability, or professional disciplinary  
7 action for treating a minor without legal consent if the person  
8 relied in good faith on the health care consent authorization.  
9 Nothing in this chapter shall relieve a person from liability  
10 arising under another provision of the law.

11     3. An adult person upon whom the parental rights and  
12 responsibilities are conferred pursuant to a health care  
13 consent authorization under this chapter is not subject to  
14 criminal prosecution or civil liability for any health care  
15 decision made in good faith pursuant to the health care consent  
16 authorization.

17     4. It shall be presumed that an adult person upon whom the  
18 parental rights and responsibilities are conferred pursuant to  
19 a health care consent authorization, and a health care provider  
20 or insurance provider acting pursuant to the direction of  
21 that adult person, are acting in good faith absent clear and  
22 convincing evidence to the contrary.

23     5. For purposes of this section, acting in "*good faith*"  
24 means acting consistent with the desires of the parent,  
25 guardian, or custodian as expressed in the health care consent  
26 authorization or otherwise made known to the adult person upon  
27 whom the parental rights and responsibilities are conferred, or  
28 where those desires are unknown, acting in the best interests  
29 of the child, taking into account the child's overall medical  
30 condition and prognosis.

31     Sec. 6. NEW SECTION. **239.6 Revocation.**

32     1. Parental rights and responsibilities conferred pursuant  
33 to a health care consent authorization under this chapter  
34 are revocable at will and such revocation is effective upon  
35 notifying all parties of interest in writing.

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1     2. Death of a person who has previously executed a health  
2 care consent authorization constitutes revocation of the  
3 authorization, except that action taken in good faith reliance  
4 upon the authorization without actual knowledge of the death  
5 shall be permitted.

6     3. Unless otherwise indicated in the health care consent  
7 authorization, disability or incapacity of the person executing  
8 the authorization does not constitute revocation of the  
9 authorization.

10    Sec. 7. **NEW SECTION. 239.7 Insurance coverage.**

11    An insurer shall have the sole power to determine whether to  
12 add a child to the insurance coverage of a person who has been  
13 authorized to consent to treatment of that child under this  
14 chapter. No provision of this chapter shall be construed to  
15 compel an insurer to provide such coverage.

16                                   EXPLANATION

17                   The inclusion of this explanation does not constitute agreement with  
18                   the explanation's substance by the members of the general assembly.

19    This bill establishes a health care consent authorization,  
20 which allows a parent, guardian, or custodian of a minor to  
21 authorize an adult person to exercise certain concurrent  
22 parental rights and responsibilities. Those parental rights  
23 and responsibilities are the power to consent to medical,  
24 surgical, dental, developmental, mental health, or other  
25 treatment or examination rendered to a minor in the state  
26 and the power to exercise parental rights to obtain records  
27 and information with regard to the health care services and  
28 insurance. The bill specifies that a parent, guardian, or  
29 custodian may only confer parental rights and responsibilities  
30 that the parent, guardian, or custodian lawfully possesses.

31    The bill requires a health care consent authorization to  
32 be in writing and to include the name of the person upon whom  
33 the parental rights and responsibilities are conferred, the  
34 name and date of birth of the minor, a statement conferring  
35 the rights, a statement that there are no court orders that

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1 prohibit the parent, guardian, or custodian from conferring the  
2 parental rights and responsibilities, and a description of the  
3 rights and responsibilities being conferred. The bill requires  
4 the written authorization to be signed by the parent, guardian,  
5 or custodian, the person upon whom the parental rights and  
6 responsibilities are being conferred, and two witnesses. The  
7 bill also provides an example of the form of the health care  
8 consent authorization.

9 The bill requires physicians, nurses, school nurses, mental  
10 health professionals, dentists, health care professionals,  
11 hospitals, health care facilities, mental health facilities,  
12 and insurance providers to honor the health care consent  
13 authorization. The bill also provides that the health care  
14 providers and insurance providers are not liable when acting in  
15 good faith, as defined in the bill, on the health care consent  
16 authorization. The bill also states that the adult person upon  
17 whom the parental rights and responsibilities are conferred is  
18 not liable when acting in good faith, as that term is defined  
19 in the bill.

20 The bill provides that a parent, guardian, or custodian may  
21 revoke the health care consent authorization upon providing  
22 a written notification to all interested parties. The death  
23 of the parent, guardian, or custodian effectuates a revocation  
24 of the health care consent authorization, but a disability  
25 or incapacity of the parent, guardian, or custodian is not a  
26 revocation of the health care consent authorization.

27 The bill provides that an insurer has the sole power to  
28 determine whether to add a child to the insurance coverage of a  
29 person authorized to consent to that child's health care, but  
30 the insurer is not obligated to do so.



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**Senate File 2076 - Introduced**

SENATE FILE 2076  
BY MATHIS

**A BILL FOR**

1 An Act establishing an Iowa employment rides initiative in the  
2 department of transportation and making appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/sc



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1     Section 1. NEW SECTION.   **324A.8 Iowa employment rides**  
2 **initiative — grant program.**

3     1. As used in this section, unless the context otherwise  
4 requires, "*employment transportation*" means an urban or  
5 rural program or service that provides an individual with  
6 transportation solely to or from a workplace, including but not  
7 limited to the following programs and services:

8     *a.* Expanding or sustaining existing transportation services  
9 or service hours.

10    *b.* Coordinating ride share services, including car pool or  
11 van pool services.

12    *c.* Shuttle services.

13    2. The Iowa employment rides initiative is established in  
14 the department to provide funds to public transit systems for  
15 programs and services that provide employment transportation  
16 to Iowans.

17    3. The department shall award funds from the initiative  
18 on a competitive grant basis. A grant shall not exceed one  
19 hundred fifty thousand dollars. A grant application shall  
20 contain a commitment from the public transit system of at least  
21 a dollar-for-dollar match of the grant funds awarded. Moneys  
22 charged to individuals receiving employment transportation  
23 services cannot be used as matching funds. Grant funds shall  
24 be used only for operational costs directly associated with  
25 providing employment transportation and shall not be used for  
26 capital expenditures or construction.

27    4. A public transit system may coordinate with other local,  
28 state, or federal governmental agencies and private nonprofit  
29 organizations in the administration of a program or service  
30 receiving a grant under the initiative and in expenditure of  
31 grant funds.

32    5. The department shall submit an annual report on the  
33 outcomes of the initiative, including the grant amount, the  
34 type of program or service receiving funds, and the number of  
35 individuals served for each grant awarded by the initiative to

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1 the general assembly by January 1 each year. As a condition of  
2 having received a grant from the initiative, a public transit  
3 system shall provide the department with information on any  
4 program or service for which the public transit system is  
5 awarded a grant from the initiative.

6 6. The department shall adopt rules to administer the  
7 initiative, including but not limited to an application process  
8 and grant award criteria.

9 7. There is appropriated from the general fund of the  
10 state to the department, for the following fiscal years, the  
11 following amounts, to be used for grants from the initiative:

12 a. For the fiscal year beginning July 1, 2014, and ending  
13 June 30, 2015, the sum of one million dollars.

14 b. For the fiscal year beginning July 1, 2015, and ending  
15 June 30, 2016, the sum of one million dollars.

16 c. For the fiscal year beginning July 1, 2016, and ending  
17 June 30, 2017, the sum of one million dollars.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill establishes an Iowa employment rides initiative  
22 in the department of transportation to provide funds to  
23 public transit systems for programs and services that provide  
24 employment transportation to Iowans.

25 The bill defines "employment transportation" as an urban  
26 or rural program or service that provides an individual with  
27 transportation solely to or from a workplace, including but  
28 not limited to expanding or sustaining existing transportation  
29 services or service hours; coordinating ride share services,  
30 including car pool or van pool services; and shuttle services.

31 A "public transit system" is defined under Code section  
32 324A.1 as an urban or regional transit system providing  
33 transit services accessible to the general public and receiving  
34 federal, state, or local tax support.

35 The department shall award funds from the initiative on a

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1 competitive grant basis. A grant cannot exceed \$150,000. A  
2 grant application must contain a commitment from the public  
3 transit system of at least a dollar-for-dollar match of the  
4 grant funds awarded. Moneys charged to individuals receiving  
5 employment transportation services cannot be used as matching  
6 funds. Grant funds can only be used for operational costs  
7 directly associated with providing employment transportation  
8 and cannot be used for capital expenditures or construction.

9 The bill permits a public transit system to coordinate  
10 with other local, state, or federal governmental agencies and  
11 private nonprofit organizations in the administration of a  
12 program or service receiving a grant under the initiative and  
13 in expenditure of grant funds awarded.

14 As a condition of receiving a grant from the initiative,  
15 a public transit system must provide the department with  
16 information on any program or service for which the public  
17 transit system is awarded a grant. The bill requires the  
18 department to submit an annual report on the outcomes of the  
19 initiative, including the grant amount, the type of program  
20 or service receiving funds, and the number of individuals  
21 served for each grant awarded by the initiative to the general  
22 assembly by January 1 each year.

23 The bill requires the department to adopt administrative  
24 rules to administer the initiative, including but not limited  
25 to an application process and grant award criteria.

26 The bill appropriates \$1 million to the department per year  
27 for fiscal years 2014-2015, 2015-2016, and 2016-2017, to be  
28 used for Iowa employment rides initiative grants.



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**Senate File 2077 - Introduced**

SENATE FILE 2077  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3106)

**A BILL FOR**

1 An Act establishing the categorical state percent of growth and  
2 including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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md/sc



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1 Section 1. Section 257.8, subsection 2, Code 2014, is  
2 amended to read as follows:  
3 2. *Categorical state percent of growth.* ~~The categorical~~  
4 ~~state percent of growth for the budget year beginning July 1,~~  
5 ~~2012, is two percent.~~ The categorical state percent of growth  
6 for the budget year beginning July 1, 2013, is two percent.  
7 The categorical state percent of growth for the budget year  
8 beginning July 1, 2014, is four percent. The categorical state  
9 percent of growth for the budget year beginning July 1, 2015,  
10 is six percent. The categorical state percent of growth for  
11 each budget year shall be established by statute which shall  
12 be enacted within thirty days of the submission in the year  
13 preceding the base year of the governor's budget under section  
14 8.21. The establishment of the categorical state percent of  
15 growth for a budget year shall be the only subject matter of  
16 the bill which enacts the categorical state percent of growth  
17 for a budget year. The categorical state percent of growth  
18 may include state percents of growth for the teacher salary  
19 supplement, the professional development supplement, the early  
20 intervention supplement, and the teacher leadership supplement.  
21 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill establishes a categorical state percent of growth  
27 of 6 percent for the school budget year beginning July 1, 2015.  
28 The categorical state percent of growth includes the teacher  
29 salary supplement, the professional development supplement,  
30 the early intervention supplement, and the teacher leadership  
31 supplement.  
32 The bill takes effect upon enactment.



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**Senate File 2078 - Introduced**

SENATE FILE 2078  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3107)

**A BILL FOR**

1 An Act relating to school district property tax replacement  
2 payments.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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md/sc



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1 Section 1. Section 257.16B, subsection 2, paragraph b,  
2 unnumbered paragraph 1, Code 2014, is amended to read as  
3 follows:

4 For ~~each~~ the budget year beginning ~~on or after~~ July 1, 2014,  
5 the department of management shall calculate for each school  
6 district all of the following:

7 Sec. 2. Section 257.16B, subsection 2, paragraph b,  
8 subparagraph (3), Code 2014, is amended to read as follows:

9 (3) The amount of each school district's property tax  
10 replacement payment. Each school district's property tax  
11 replacement payment equals the school district's weighted  
12 enrollment for the budget year beginning July 1, 2014,  
13 multiplied by the remainder of the amount calculated for  
14 the school district under subparagraph (2) minus the amount  
15 calculated for the school district under subparagraph (1).

16 Sec. 3. Section 257.16B, subsection 2, Code 2014, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. c. For each budget year beginning on  
19 or after July 1, 2015, the department of management shall  
20 calculate for each school district all of the following:

21 (1) The regular program state cost per pupil for the budget  
22 year beginning July 1, 2012, multiplied by one hundred percent  
23 less the regular program foundation base per pupil percentage  
24 pursuant to section 257.1.

25 (2) The regular program state cost per pupil for the budget  
26 year beginning July 1, 2015, multiplied by one hundred percent  
27 less the regular program foundation base per pupil percentage  
28 pursuant to section 257.1.

29 (3) The amount of each school district's property tax  
30 replacement payment. Each school district's property tax  
31 replacement payment equals the school district's weighted  
32 enrollment for the budget year multiplied by the remainder  
33 of the amount calculated for the school district under  
34 subparagraph (2) minus the amount calculated for the school  
35 district under subparagraph (1).

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1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with  
3 the explanation's substance by the members of the general assembly.

4 Current Code section 257.16B provides for school district  
5 property tax replacement payments. For the budget year  
6 beginning July 1, 2013, each school district's property tax  
7 replacement payment amount is equal to the school district's  
8 weighted enrollment for that budget year multiplied by the  
9 difference of the following: (1) the regular program state  
10 cost per pupil for the budget year beginning July 1, 2013,  
11 multiplied by 100 percent less the regular program foundation  
12 base per pupil percentage; and (2) the regular program state  
13 cost per pupil for the budget year beginning July 1, 2012,  
14 multiplied by 100 percent less the regular program foundation  
15 base per pupil percentage. For each budget year beginning on  
16 or after July 1, 2014, each school district's property tax  
17 replacement payment amount is equal to the school district's  
18 weighted enrollment for the budget year multiplied by the  
19 difference of the following: (1) the regular program state  
20 cost per pupil for the budget year beginning July 1, 2014,  
21 multiplied by 100 percent less the regular program foundation  
22 base per pupil percentage; and (2) the regular program state  
23 cost per pupil for the budget year beginning July 1, 2012,  
24 multiplied by 100 percent less the regular program foundation  
25 base per pupil percentage.

26 This bill modifies the replacement payment calculation for  
27 budget years beginning on or after July 1, 2015. For each  
28 budget year beginning on or after July 1, 2015, each school  
29 district's property tax replacement payment amount is equal to  
30 the school district's weighted enrollment for the budget year  
31 multiplied by the difference of the following: (1) the regular  
32 program state cost per pupil for the budget year beginning July  
33 1, 2015, multiplied by 100 percent less the regular program  
34 foundation base per pupil percentage; and (2) the regular  
35 program state cost per pupil for the budget year beginning July

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md/sc

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S.F. 2078

1 1, 2012, multiplied by 100 percent less the regular program  
2 foundation base per pupil percentage.



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**Senate File 2079 - Introduced**

SENATE FILE 2079  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3105)

**A BILL FOR**

1 An Act establishing the state percent of growth and including  
2 effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5830SV (1) 85  
md/sc





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S.F. 2079

1 Section 1. Section 257.8, subsection 1, Code 2014, is  
2 amended to read as follows:

3 1. *State percent of growth.* ~~The state percent of growth~~  
4 ~~for the budget year beginning July 1, 2012, is two percent.~~  
5 The state percent of growth for the budget year beginning July  
6 1, 2013, is two percent. The state percent of growth for the  
7 budget year beginning July 1, 2014, is four percent. The  
8 state percent of growth for the budget year beginning July 1,  
9 2015, is six percent. The state percent of growth for each  
10 subsequent budget year shall be established by statute which  
11 shall be enacted within thirty days of the submission in the  
12 year preceding the base year of the governor's budget under  
13 section 8.21. The establishment of the state percent of growth  
14 for a budget year shall be the only subject matter of the bill  
15 which enacts the state percent of growth for a budget year.

16 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill establishes a state percent of growth of 6 percent  
22 for the school budget year beginning July 1, 2015.

23 The bill takes effect upon enactment.



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**Senate Joint Resolution 2002 - Introduced**

SENATE JOINT RESOLUTION 2002  
BY CHELGREN

**SENATE JOINT RESOLUTION**

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa creating an administrative rules review  
3 committee in the legislative department and granting the  
4 committee powers.  
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5172XS (3) 85  
je/rj



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1     Section 1. Article III of the Constitution of the State of  
2 Iowa is amended by adding the following new section:  
3     **Administrative rules review committee. SEC. 41.**  
4     1. For the purposes of this section:  
5     a. "Administrative rule" means each state agency statement  
6 of general applicability that implements, interprets, or  
7 prescribes law or policy, or that describes the organization,  
8 procedure, or practice requirements of any state agency.  
9 "Administrative rule" includes an executive order or directive  
10 of the governor that creates a state agency or establishes a  
11 program or that transfers a program between state agencies  
12 established by statute or administrative rule. "Administrative  
13 rule" includes a portion of an administrative rule or the  
14 amendment or repeal of an existing administrative rule. The  
15 general assembly may provide by law for exclusions from this  
16 definition.  
17     b. "State agency" means each board, commission, department,  
18 officer, or other administrative office or unit of the state.  
19 "State agency" does not include the general assembly, the  
20 judicial branch or any of its components, the governor, or a  
21 political subdivision of the state or its offices and units.  
22 The general assembly may provide by law for exclusions from  
23 this definition.  
24     2. An administrative rules review committee is created in  
25 the legislative department, to consist of an equal number of  
26 members of each house of the general assembly, for the purpose  
27 of providing oversight of powers and duties delegated to state  
28 agencies. The general assembly shall provide by law for the  
29 implementation of this section, including but not limited to  
30 procedures for the committee to exercise its powers.  
31     3. A state agency shall not adopt an administrative rule  
32 without notice or public participation unless explicitly  
33 granted authority to adopt such administrative rule without  
34 notice or public participation by law or unless the committee  
35 determines that notice and public participation would be

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1 unnecessary, impracticable, or contrary to the public interest.

2 4. The powers of the committee include but are not limited  
3 to the following:

4 a. Suspending further action by a state agency prior to  
5 adoption of a proposed administrative rule for a period of time  
6 no longer than seventy days as provided by law.

7 b. Requiring a state agency to complete and publish  
8 a regulatory analysis of a proposed administrative rule,  
9 detailing costs, benefits, and alternative methods for  
10 achieving the purpose of the administrative rule, before the  
11 state agency adopts the administrative rule. The committee  
12 may also require a state agency to complete and publish a  
13 regulatory analysis of an administrative rule adopted by the  
14 state agency without notice or public participation.

15 c. Objecting to the adoption of an administrative rule by  
16 a state agency without notice or public participation. The  
17 administrative rule shall cease to be effective after a period  
18 of time subsequent to the objection as provided by law. The  
19 committee may also suspend the implementation or enforcement of  
20 the administrative rule until the administrative rule ceases  
21 to be effective. In any proceeding for judicial review or for  
22 enforcement of the administrative rule heard subsequent to the  
23 objection, the burden of proof shall be on the state agency  
24 to establish that allowing for notice or public participation  
25 before adopting the administrative rule was impracticable,  
26 unnecessary, or contrary to the public interest. If the state  
27 agency fails to meet the burden of proof prescribed for the  
28 administrative rule, the court shall declare the administrative  
29 rule invalid.

30 d. Suspending the implementation or enforcement of an  
31 administrative rule adopted by a state agency for a period  
32 of time no later than the adjournment of the next regular  
33 session of the general assembly as provided by law, if the  
34 effective date of such administrative rule occurred sooner than  
35 thirty-five days after the administrative rule was officially

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1 published as provided by law.

2 e. Delaying the effective date of an administrative rule  
3 proposed by a state agency for a period of time no later than  
4 the adjournment of the next regular session of the general  
5 assembly as provided by law.

6 f. Objecting to an administrative rule proposed or adopted  
7 by a state agency if the committee deems the administrative  
8 rule unreasonable, arbitrary, capricious, or otherwise  
9 beyond the authority delegated to the state agency. In any  
10 proceeding for judicial review or for enforcement of the  
11 administrative rule heard subsequent to the objection, the  
12 burden of proof shall be on the state agency to establish  
13 that the administrative rule is not unreasonable, arbitrary,  
14 capricious, or otherwise beyond the authority delegated to the  
15 state agency. If the state agency fails to meet the burden  
16 of proof prescribed for the administrative rule, the court  
17 shall declare the administrative rule invalid and judgment  
18 shall be rendered against the state agency for court costs and  
19 reasonable attorney fees.

20 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed  
21 amendment to the Constitution of the State of Iowa is referred  
22 to the general assembly to be chosen at the next general  
23 election for members of the general assembly, and the secretary  
24 of state is directed to cause the proposed amendment to be  
25 published for three consecutive months previous to the date of  
26 that election as provided by law.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with  
29 the explanation's substance by the members of the general assembly.

30 This joint resolution proposes an amendment to the  
31 Constitution of the State of Iowa creating an administrative  
32 rules review committee in the legislative department and  
33 granting the committee powers.

34 The resolution creates an administrative rules review  
35 committee in the legislative branch, to consist of an equal

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1 number of members of each house of the general assembly,  
2 for the purpose of providing oversight of powers and duties  
3 delegated to state agencies. The resolution directs the  
4 general assembly to provide by law for implementation of the  
5 resolution, including but not limited to procedures for the  
6 committee to exercise its powers.

7 The resolution defines "administrative rule" as each state  
8 agency statement of general applicability that implements,  
9 interprets, or prescribes law or policy, or that describes  
10 the organization, procedure, or practice requirements of any  
11 state agency. "Administrative rule" includes an executive  
12 order or directive of the governor that creates a state agency  
13 or establishes a program or that transfers a program between  
14 state agencies established by statute or administrative rule.  
15 "Administrative rule" includes a portion of an administrative  
16 rule or the amendment or repeal of an existing administrative  
17 rule. The resolution defines "state agency" as each board,  
18 commission, department, officer, or other administrative office  
19 or unit of the state. "State agency" does not include the  
20 general assembly, the judicial branch or any of its components,  
21 the governor, or a political subdivision of the state or its  
22 offices and units. The general assembly may provide by law for  
23 exclusions from these definitions.

24 The resolution prohibits a state agency from adopting an  
25 administrative rule without notice or public participation  
26 unless explicitly granted authority to adopt such  
27 administrative rule by law or unless the committee determines  
28 that notice and public participation would be unnecessary,  
29 impracticable, or contrary to the public interest.

30 The resolution provides for powers of the committee.

31 The committee may suspend further action by a state agency to  
32 adopt a proposed administrative rule for a period of time no  
33 longer than 70 days as provided by law.

34 The committee may require a state agency to complete and  
35 publish a regulatory analysis of a proposed administrative

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1 rule, detailing costs, benefits, and alternative methods for  
2 achieving the purpose of the administrative rule before the  
3 state agency adopts the administrative rule. The committee  
4 may also require a state agency to complete and publish a  
5 regulatory analysis of an administrative rule adopted without  
6 notice or public participation.

7     The committee may object to the adoption of an  
8 administrative rule by a state agency without notice or public  
9 participation. The administrative rule ceases to be effective  
10 after a period of time subsequent to the objection as provided  
11 by law. The committee may also suspend the implementation or  
12 enforcement of the administrative rule until the administrative  
13 rule ceases to be effective. In any proceeding for judicial  
14 review or for enforcement of the administrative rule heard  
15 subsequent to the objection, the state agency bears the burden  
16 of proof to establish that allowing for notice or public  
17 participation before adopting the administrative rule was  
18 impracticable, unnecessary, or contrary to the public interest.  
19 If the state agency fails to meet the burden of proof, the  
20 court shall declare the administrative rule invalid.

21     The committee may suspend the implementation or enforcement  
22 of an adopted administrative rule for a period of time no later  
23 than the adjournment of the next regular session of the general  
24 assembly as provided by law, if the effective date of such  
25 administrative rule occurred sooner than 35 days after the  
26 administrative rule was officially published as provided by  
27 law.

28     The committee may delay the effective date of an  
29 administrative rule proposed by a state agency for a period of  
30 time no later than the adjournment of the next regular session  
31 of the general assembly as provided by law.

32     The committee may object to an administrative rule proposed  
33 or adopted by a state agency if the committee deems the  
34 administrative rule unreasonable, arbitrary, capricious, or  
35 otherwise beyond the authority delegated to the state agency.

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1 In any proceeding for judicial review or for enforcement of  
2 the administrative rule heard subsequent to the objection, the  
3 state agency bears the burden of proof to establish that the  
4 administrative rule is not unreasonable, arbitrary, capricious,  
5 or otherwise beyond the authority delegated to the state  
6 agency. If the state agency fails to meet the burden of proof,  
7 the court shall declare the administrative rule invalid and  
8 judgment shall be rendered against the state agency for court  
9 costs and reasonable attorney fees.

10 The resolution, if adopted, would be published and then  
11 referred to the next general assembly (86th) for adoption a  
12 second time, before being submitted to the electorate for  
13 ratification.





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**Senate Study Bill 3126 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON QUIRMBACH)

**A BILL FOR**

- 1 An Act establishing a legal aid attorney loan forgiveness
- 2 program to be administered by the college student aid
- 3 commission.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5615XC (2) 85  
je/nh



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S.F. \_\_\_\_\_

1 Section 1. Section 261.2, subsection 8, Code 2014, is  
2 amended to read as follows:

3 8. Submit by January 15 annually a report to the general  
4 assembly which provides, by program, the number of individuals  
5 who received loan forgiveness in the previous fiscal year,  
6 the amount paid to individuals under sections 261.23, 261.73,  
7 ~~and 261.112, and 261.131~~, and the institutions from which  
8 individuals graduated, and that includes any proposed statutory  
9 changes and the commission's findings and recommendations.

10 Sec. 2. NEW SECTION. 261.131 Legal aid attorney loan  
11 forgiveness program.

12 1. For purposes of this section, unless the context  
13 otherwise requires:

14 a. "Legal aid agency" means a not-for-profit legal aid  
15 agency whose primary purpose is to provide legal representation  
16 to low-income persons in Iowa and which is exempt from taxation  
17 under section 501(c)(3) of the Internal Revenue Code.

18 b. "Legal aid attorney" means a licensed attorney who is  
19 employed by a legal aid agency in this state.

20 2. A legal aid attorney loan forgiveness program is  
21 established to be administered by the commission. The program  
22 shall consist of loan forgiveness for eligible federally  
23 guaranteed loans for licensed attorneys who practice at a legal  
24 aid agency in this state.

25 3. Each applicant for loan forgiveness shall, in accordance  
26 with the rules of the commission, do the following:

27 a. Complete and file an application for legal aid attorney  
28 loan forgiveness. The individual shall be responsible for  
29 the prompt submission of any information required by the  
30 commission.

31 b. File a new application and submit information as  
32 required by the commission annually on the basis of which the  
33 applicant's eligibility for the renewed loan forgiveness will  
34 be evaluated and determined.

35 c. Complete and return, on a form approved by the

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1 commission, an affidavit of practice verifying that the  
2 applicant meets the eligibility requirements of subsection 2.  
3 4. The annual amount of legal aid attorney loan forgiveness  
4 shall not exceed the resident tuition rate established for  
5 the state university of Iowa college of law by the state  
6 board of regents for the first year following the legal aid  
7 attorney's graduation from law school, or ten percent of the  
8 legal aid attorney's total federally guaranteed Stafford loan  
9 amount under the federal family education loan program or the  
10 federal direct loan program, including principal and interest,  
11 whichever amount is less. A legal aid attorney shall be  
12 eligible for the loan forgiveness program for not more than ten  
13 consecutive years.  
14 5. The commission shall develop criteria for prioritization  
15 among eligible applicants if there are insufficient funds  
16 available to award loan forgiveness to all eligible applicants  
17 under the program. The criteria shall include the timeliness  
18 of the applicant's application, the applicant's salary level,  
19 the amount of the applicant's eligible debt, the availability  
20 of other loan repayment assistance to the applicant, the  
21 monthly payment on the applicant's eligible debt, the  
22 applicant's length of service as a legal aid attorney, and the  
23 applicant's prior participation in the program.  
24 6. A legal aid attorney loan forgiveness repayment fund  
25 is created for deposit of moneys appropriated to or received  
26 by the commission for use under the program. Notwithstanding  
27 section 8.33, moneys deposited in the fund shall not revert  
28 to any fund of the state at the end of any fiscal year but  
29 shall remain in the loan forgiveness repayment fund and be  
30 continuously available for loan forgiveness under the program.  
31 Notwithstanding section 12C.7, subsection 2, interest or  
32 earnings on moneys deposited in the fund shall be credited to  
33 the fund.  
34 7. The commission shall submit in a report to the general  
35 assembly by January 1, annually, the number of individuals

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1 who received loan forgiveness pursuant to this section, where  
2 the participants practiced, the amount paid to each program  
3 participant, and other information identified by the commission  
4 as indicators of outcomes from the program.

5 8. The commission shall adopt rules to administer this  
6 section.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill establishes a legal aid attorney loan forgiveness  
11 program to be administered by the college student aid  
12 commission. The program is to consist of loan forgiveness for  
13 eligible federally guaranteed loans for licensed attorneys who  
14 practice at a legal aid agency in this state.

15 The bill defines "legal aid agency" as a not-for-profit  
16 legal aid agency whose primary purpose is to provide legal  
17 representation to low-income persons in Iowa and which is  
18 exempt from taxation under section 501(c)(3) of the Internal  
19 Revenue Code. The bill defines "legal aid attorney" as a  
20 licensed attorney who is employed by a legal aid agency in this  
21 state.

22 The bill requires each applicant for loan forgiveness  
23 to file an application for loan forgiveness, file a new  
24 application annually for renewed loan forgiveness, and return  
25 an affidavit of practice verifying that the applicant meets the  
26 eligibility requirements of the program.

27 The annual amount of loan forgiveness cannot exceed the  
28 resident tuition rate established for the state university  
29 of Iowa college of law by the state board of regents for the  
30 first year following the legal aid attorney's graduation from  
31 law school, or 10 percent of the legal aid attorney's total  
32 federally guaranteed Stafford loan amount, including principal  
33 and interest, whichever amount is less. A legal aid attorney  
34 cannot be eligible for the loan forgiveness program for more  
35 than 10 consecutive years.

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1 The bill requires the commission to develop criteria  
2 for prioritization among eligible applicants if there are  
3 insufficient funds available to award loan forgiveness to  
4 all eligible applicants under the program. The criteria  
5 must include the timeliness of the applicant's application,  
6 the applicant's salary level, the amount of the applicant's  
7 eligible debt, the availability of other loan repayment  
8 assistance to the applicant, the monthly payment on the  
9 applicant's eligible debt, the applicant's length of service as  
10 a legal aid attorney, and the applicant's prior participation  
11 in the program.

12 The bill creates a legal aid attorney loan forgiveness  
13 repayment fund for deposit of moneys appropriated to or  
14 received by the commission for use under the program.

15 The bill requires the commission to submit in a report  
16 to the general assembly by January 1, annually, the number  
17 of individuals who received loan forgiveness pursuant to the  
18 bill, where the participants practiced, the amount paid to each  
19 program participant, and other information identified by the  
20 commission as indicators of outcomes from the program.

21 The bill requires the commission to adopt rules to  
22 administer the bill.

23 The bill adds the program to the commission's ongoing  
24 reporting requirements for loan forgiveness programs.



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**Senate Study Bill 3127 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON WILHELM)

**A BILL FOR**

1 An Act relating to county recorder duties, fees, and  
2 recordkeeping.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5598XC (4) 85  
aw/sc



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S.F. \_\_\_\_\_

1 Section 1. Section 321G.1, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 9A. "*Document*" means a snowmobile  
4 certificate of title, registration certificate or registration  
5 renewal, user permit, or duplicate special registration  
6 certificate issued by the county recorder's office.

7 Sec. 2. Section 321G.27, subsection 1, Code 2014, is amended  
8 to read as follows:

9 1. a. The county recorder shall collect a writing fee of  
10 one dollar and twenty-five cents for a ~~snowmobile registration~~  
11 ~~or for renewal of a registration~~ each document issued by the  
12 county recorder's office.

13 ~~b. The county recorder shall retain a writing fee of one~~  
14 ~~dollar and twenty-five cents from the sale of each user permit~~  
15 ~~issued by the county recorder's office.~~

16 ~~c. The county recorder shall collect a writing fee of~~  
17 ~~one dollar and twenty-five cents for each duplicate special~~  
18 ~~registration certificate issued by the county recorder's~~  
19 ~~office.~~

20 ~~d.~~ b. Writing fees collected or retained by the county  
21 recorder under this chapter shall be deposited in the general  
22 fund of the county.

23 Sec. 3. Section 321G.29, subsection 7, Code 2014, is amended  
24 to read as follows:

25 7. The county recorder shall keep and maintain a an  
26 electronic record of any certificate of title which the county  
27 recorder issues ~~and shall keep each certificate of title on~~  
28 ~~record~~ until the certificate of title has been inactive for  
29 five years. When issuing a title for a new snowmobile, the  
30 county recorder shall obtain and keep the certificate of origin  
31 ~~on file a copy of the certificate of origin.~~ When issuing a  
32 title and registration for a used snowmobile for which there is  
33 no title or registration, the county recorder shall obtain and  
34 keep on file the affidavit for the unregistered and untitled  
35 snowmobile.

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1 Sec. 4. Section 321G.30, subsection 1, Code 2014, is amended  
2 to read as follows:

3 1. The county recorder shall charge a ten dollar fee to  
4 issue a certificate of title, a transfer of title, a duplicate,  
5 or a corrected certificate of title plus a writing fee as  
6 provided in section 321G.27.

7 Sec. 5. Section 321G.32, subsection 1, paragraph a, Code  
8 2014, is amended to read as follows:

9 a. To perfect the security interest, an application for  
10 security interest must be presented along with the original  
11 title. The county recorder shall note the security interest on  
12 the face of the title and ~~on~~ in the copy in electronic record  
13 maintained by the recorder's office.

14 Sec. 6. Section 321I.1, Code 2014, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 10A. "Document" means an all-terrain  
17 vehicle certificate of title, vehicle registration or  
18 registration renewal, user permit, or duplicate special  
19 registration certificate issued by the county recorder's  
20 office.

21 Sec. 7. Section 321I.29, subsection 1, Code 2014, is amended  
22 to read as follows:

23 1. a. The county recorder shall collect a writing fee of  
24 one dollar and twenty-five cents for ~~an all-terrain vehicle~~  
25 ~~registration or for renewal of a registration~~ each document  
26 issued by the county recorder's office.

27 ~~b. The county recorder shall retain a writing fee of one~~  
28 ~~dollar and twenty-five cents from the sale of each user permit~~  
29 ~~issued by the county recorder's office.~~

30 ~~c. The county recorder shall collect a writing fee of~~  
31 ~~one dollar and twenty-five cents for each duplicate special~~  
32 ~~registration certificate issued by the county recorder's~~  
33 ~~office.~~

34 ~~d.~~ b. Writing fees collected or retained by the county  
35 recorder under this chapter shall be deposited in the general





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1 fund of the county.

2 Sec. 8. Section 321I.31, subsection 7, Code 2014, is amended  
3 to read as follows:

4 7. The county recorder shall keep and maintain a an  
5 electronic record of any certificate of title which the  
6 county recorder issues ~~and shall keep each certificate of~~  
7 ~~title on record~~ until the certificate of title has been  
8 inactive for five years. When issuing a title for a new  
9 all-terrain vehicle, the county recorder shall obtain and keep  
10 the certificate of origin on file ~~a copy of the certificate~~  
11 ~~of origin~~. When issuing a title and registration for a  
12 used all-terrain vehicle for which there is no title or  
13 registration, the county recorder shall obtain and keep on file  
14 the affidavit for the unregistered and untitled all-terrain  
15 vehicle.

16 Sec. 9. Section 321I.32, subsection 1, Code 2014, is amended  
17 to read as follows:

18 1. The county recorder shall charge a ten dollar fee to  
19 issue a certificate of title, a transfer of title, a duplicate,  
20 or a corrected certificate of title plus a writing fee as  
21 provided in section 321I.29.

22 Sec. 10. Section 321I.34, subsection 1, paragraph a, Code  
23 2014, is amended to read as follows:

24 a. To perfect the security interest, an application for  
25 security interest must be presented along with the original  
26 title. The county recorder shall note the security interest on  
27 the face of the title and ~~on~~ in the copy in electronic record  
28 maintained by the recorder's office.

29 Sec. 11. Section 331.602, subsection 39, Code 2014, is  
30 amended to read as follows:

31 39. Accept applications for passports if approved to accept  
32 such applications by the United States department of state.

33 Sec. 12. Section 359A.10, Code 2014, is amended to read as  
34 follows:

35 **359A.10 Entry and record of orders.**

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1 Such orders, decisions, notices, and returns shall be  
2 entered of record at length by the township clerk, and a copy  
3 thereof certified by the township clerk to the county recorder,  
4 who shall record the same in the recorder's office in ~~a book~~  
5 ~~kept for that purpose~~ the manner specified in sections 558.49  
6 and 558.52, and index such record in the name of each adjoining  
7 owner as grantor to the other. The county recorder shall  
8 collect fees specified in section 331.604.

9 Sec. 13. Section 462A.5, subsection 1, paragraph a, Code  
10 2014, is amended to read as follows:

11 a. The owner of the vessel shall file an application  
12 for registration with the appropriate county recorder on  
13 forms provided by the commission. The application shall be  
14 completed and signed by the owner of the vessel and shall  
15 be accompanied by the appropriate fee, and the writing fee  
16 specified in section 462A.53. Upon applying for registration,  
17 the owner shall display a bill of sale, receipt, or other  
18 satisfactory proof of ownership as provided by the rules of the  
19 commission to the county recorder. If the county recorder is  
20 not satisfied as to the ownership of the vessel or that there  
21 are no undisclosed security interests in the vessel, the county  
22 recorder may register the vessel but shall, as a condition of  
23 issuing a registration certificate, require the applicant to  
24 follow the procedure provided in section 462A.5A. Upon receipt  
25 of the application in approved form accompanied by the required  
26 fees, the county recorder shall enter it upon the records  
27 of the recorder's office and shall issue to the applicant a  
28 pocket-size registration certificate. The certificate shall  
29 be executed ~~in triplicate, one copy to be~~ and delivered to the  
30 owner, ~~one copy to the commission, and one copy to be retained~~  
31 ~~on file by the county recorder.~~ The county recorder shall  
32 keep and maintain an electronic record of each registration  
33 certificate issued by the county recorder under this chapter.  
34 The registration certificate shall bear the number awarded  
35 to the vessel, the passenger capacity of the vessel, and the

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1 name and address of the owner. In the use of all vessels  
2 except nonpowered sailboats, nonpowered canoes, and commercial  
3 vessels, the registration certificate shall be carried either  
4 in the vessel or on the person of the operator of the vessel  
5 when in use. In the use of nonpowered sailboats, nonpowered  
6 canoes, or commercial vessels, the registration certificate  
7 may be kept on shore in accordance with rules adopted by the  
8 commission. The operator shall exhibit the certificate to a  
9 peace officer upon request or, when involved in an occurrence  
10 of any nature with another vessel or other personal property,  
11 to the owner or operator of the other vessel or personal  
12 property.

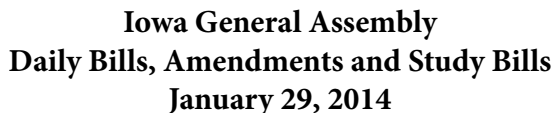
13 Sec. 14. Section 462A.5, subsection 4, paragraphs a and d,  
14 Code 2014, are amended to read as follows:

15 a. If a person, after registering a vessel, moves from  
16 the address shown on the registration certificate, the person  
17 shall, within ten days, notify the county recorder in writing  
18 of the old and new address. ~~If appropriate, the county~~  
19 ~~recorder shall forward all past records of the vessel to the~~  
20 ~~recorder of the county in which the owner resides.~~

21 d. ~~If a registration certificate is lost, mutilated or~~  
22 ~~becomes illegible, the owner shall immediately make application~~  
23 ~~for and obtain a duplicate registration certificate by~~  
24 ~~furnishing information satisfactory to the county recorder. A~~  
25 ~~fee of one dollar plus a writing fee shall be paid to the county~~  
26 ~~recorder for~~ may issue a duplicate registration certificate  
27 upon payment of one dollar plus a writing fee as provided in  
28 section 462A.53.

29 Sec. 15. Section 462A.77, subsection 7, Code 2014, is  
30 amended to read as follows:

31 7. The county recorder shall keep and maintain a an  
32 electronic record of any each certificate of title ~~which issued~~  
33 by the county recorder ~~issues and shall keep each certificate~~  
34 of title on record under this chapter until the certificate of  
35 title has been inactive for five years.



1     Sec. 16. Section 462A.84, subsection 1, paragraph a, Code  
2 2014, is amended to read as follows:  
3     *a.* To perfect the security interest, an application for  
4 security interest must be presented along with the original  
5 title. The county recorder shall note the security interest on  
6 the face of the title and ~~on in the copy in~~ in the electronic record  
7 maintained by the recorder's office.

9           The inclusion of this explanation does not constitute agreement with  
10          the explanation's substance by the members of the general assembly.

13 The bill makes technical changes related to the writing  
14 fees collected for the issuance of registrations, registration  
15 renewals, user permits, and duplicate special registration  
16 certificates charged by a county recorder for snowmobiles and  
17 all-terrain vehicles. The bill also requires that a county  
18 recorder collect a writing fee of \$1.25 for each certificate of  
19 title issued by the recorder for snowmobiles and all-terrain  
20 vehicles.

29 The bill modifies the current requirement that a county  
30 recorder accept passport applications by providing that the  
31 recorder may do so only if the county recorder is approved by  
32 the United States department of state to accept applications.

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1 provides instead that such orders, decisions, notices, and  
2 returns be recorded in the same manner as conveyances, which is  
3 by index records and alphabetical arrangement.